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MEMORANDA

RELATING TO THE

FAMILY OF

FORBES OF WATERTON,

FROM A MS. OF THE DECEASED JOHN FORBES, (B. 1754, WHO WAS SERVED HEIR TO THE LAST THOMAS FORBES OF WATERTON IN 1775), AND IS NOW PRINTED SOLELY FOR THE USE OF MEMBERS OF THE FAMILY.

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MDCCCLVII.

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ARMS OF THIS FAMILY

From Nesbit's Heraldry Vol I Page 374

Temp. Reign. CHAS II

MEMORANDA,

RELATING TO THE

Family of Forbes of Watertoun.

SIR ALEXANDER FORBES of Tolquhoun carries quarterly:

1st and 4th Forbes, viz.—3 Bears' Heads, Couped Argent, Muzzled Gules.

2d and 3d. 3 Unicorns' Heads erased Sable, for marrying Marjorie, the heiress of Sir Henry Preston of Formartine, supported by two Greyhounds, proper collared Gules; *Crest*—a Stag's Head, attired with ten tynes proper. *Motto*—"Salus per Christum."

SIR JOHN FORBES of Watertown bears quarterly as Tolquhoun, and, by way of Surtout, an Escutcheon Argent, charged with a Sword and Key, Saltier ways, Gules, as Constable of Aberdeen, by succeeding to the lands of Kermucks, in which office he was established by Act of Parliament; *Crest*—an Eagle displayed Sable. *Motto*—"Virtuti inimica quies." *New Register.*

CATALOGUE

OF

ORIGINAL PAPERS RELATING TO THIS FAMILY.

1630 TO 1725.

1630. December 9. Sasine in favor of Thomas Forbes of the lands of Abbots-hall and Caudland, in the parish of Ellon, proceeding on a disposition by his father, William Forbes * of Tolquhon, who grants these lands to him and his heirs male; whom failing, to William Forbes of Tolquhon, his eldest son, and his heirs male; whom failing, to George Forbes of Craigie, his third son, and his heirs male; whom failing, to his second son, Walter Forbes of Thaynston, his heirs and assigns, for ever. This deed is registered the last of January, 1632, in the Books of Aberdeen. William Forbes of Tolquhon, the father, was then living.

1633. Mutual discharge and confirmation between Alexander Bannerman, formerly of Watertoun, and now of Elsick, Sir George Johnstone of that Ilk, Bart., and William Forbes of Tolquhon, recites that, in May, 1611, the said Alexander Bannerman sold and disponed the land of Abbots-hall, &c., to John Johnston of Caskieben, father of Sir George, and that, on the 20th January, 1616, the said George Johnston of Caskieben disponed, these lands to William Forbes of Tolquhon, by deed registered at Aberdeen, 7th May, 1625; but none of the said parties having ever been infeft, Alexander Bannerman grants a precept for that purpose, and the other parties join in a mutual release.

* This William Forbes of Tolquhon had his picture painted by Jamieson about this time. It is now in the possession of his descendant, Leith of Whitehaugh, having been given to him by Margaret Montgomery, widow of Thomas Forbes of Watertoun, after his decease in 1771. When painted, he was above 80 years old. He is the same who built the Castle of Tolquhon, the ruins of which still preserve many marks of grandeur. In 1799, the following inscription still remained over the great gateway—"Al this warke excep the auld Tour was begun be William Forbes, 15 Apl. 1584; and endit be him 20 Octr. 1589."

1634. Contract between Alexander Bannerman of Elsick, Sir George Johnstone of Caskieben, and William Forbes of Tolquhon, and Thomas Forbes of Watertoun, recites that, in November, 1606, Sir Walter Ogilvie of Finlater, knt., lord of Deskfurd, sold the fishing of the Water of Ythan to George Bannerman of Watertoun, to be held of the said Sir Walter at a feu-duty of six shillings a-year—which duty was given up by deed, registered November, 1625. This was transferred with other lands to John Johnstone of Caskieben, and by his son, Sir George, to William Forbes of Tolquhon, who now joins in a general discharge and settles the same on his son, Thomas Forbes of Watertoun.

1635. The Lords Commissioners of His Majesty's Rents and Casualties grant license to Thomas Forbes, his Spouse, and Guests, to eat and feed upon flesh during the forbidden time of Lent, and on Wednesdays, Fridays, and Saturdays, throughout the year. Signed—Glasgow: Traquaire: Da Edinb: Jo. Rossen, Thos. Brechin, Ro. Spottiswoode, Thos. Hope, Jas. Carmichaell.

1636. William Forbes of Tolquhon dispones two crofts, called Calsie croft and Upland croft, in trust to Thomas Forbes of Watertoun, in consequence of a Contract of Marriage between his third son, George Forbes, and Christina Cheyne, heiress of Craigie.

1636. Gift of nonentry of the Salmon Fishing in favour of Thomas Forbes.

1637. Kennedy of Carmucks sells and makes over part of the Moss of Ardgrane to Thomas Forbes of Watertoun.

1637. William Forbes of Tolquhon, in consequence of the death of his third son, George Forbes of Craigie, on whom he had, at his marriage, settled the lands of Bonakettle and Foveran, &c., surrendered said lands to his superior, the King's College of Aberdeen, and received a new disposition to himself for life, and to William and Alexander Forbes, sons of the deceased George Forbes, and their heirs; failing whom, to Thomas Forbes of Watertoun, and his heirs, for ever.

*1639. November 2. Thomas Forbes resigned his lands to his

* 1639. May 8. The Lairds of Banff, Gight, Haddo, Cromartie, and Foveran, and Johnston, sent to Kennedy of Kermucks, at Artrochie, requiring him to sign the King's Covenant. He was then in company with Waterton, Auchmacoy, and other gentlemen, 18 in number, and all refused.

superior, Charles, earl of Dunfermline, lord of Fyvie and Urquhart, and received a new charter in favour of him and his eldest son, William, with life-rent to Jeane Ramsay, his wife, and liberty to sell or mortgage without his son's consent.

1639. Charter of William Annand of Caterland, seizing his wife, Isabel Forbes, daughter of George Forbes of Craigie, in the life-rent of his said lands of Caterland, conform to the Marriage Contract between him and Thomas Forbes of Watertoun, her guardian.

1642. Disposition by Helen Kynard, relict of A. Con, in favour of Thomas Forbes of Watertoun, of her property in the mill and lands of Artrochie.

1643. Helen Kynard grants a further discharge.

1649. Disposition by Andrew Cruckshanks of Ellon of some land to Thomas Forbes.

1650. Sasine in favor of Thomas Forbes, of the barony of Carnousie Burnend, the fishing of the Water of Dowerne received from Sir George

1639. May 20. The Master of Forbes, Craigievar, Tolquhon, and Waterton, held a Committee at Turriff, in support of the Covenant.

1639. June 19. A skirmish between the two parties took place, near the Bridge of Dee, in which Ramsay, brother to Balmain, was slain.

1640. May 8. Young Tolquhon, being with Earl Marischal, quarrelled with William Fraser of Boghead, who, striking him, was condemned to lose his hand, but was reprieved by Lord Forbes at the place of execution.

1640. Waterton and Auchterellon, having been put in ward at Edinburgh, were released on paying a fine, and returned home, 4th November.

1644. When the Marquis of Huntly rose to support the royal cause, the barons who were of the opposite party fortified themselves in their respective houses, and had the tenants, with the cattle, brought every night into the court yards. Among others, Watertoun was shut up from 5th April to 26th, but it does not appear that they suffered on that occasion, the Marquis' line of march being on the banks of the Don and Dee, and towards Stonehaven, which was burnt in sight of the Earl Marischal, who was shut up in Dunotter. The Marquis of Argyle coming north about 26th April, the Marquis of Huntly was obliged to retire, and his friends suffered in their turn, but it does not appear that Watertoun, or any of the other barons, joined him in the vengeance he inflicted on Haddo, (who had married Tolquhon's daughter,) Drum, &c. Those who were near his army were obliged to guard against his Irish Regiment, who were called the *Cleansers*, for plundering friends and foes indiscriminately. When Argyle returned to the south, the nobility and gentry of the County assembled frequently at Aberdeen, for the purpose of governing it; and Tolquhon and Waterton are often mentioned as holding committees with the Lords Marischal, Fraser, Forbes, Crighton, Errol, &c.

Ogilvie of Carnousie, Baronet, in consequence of a Decree of the Court of Session, for a debt due to William Forbes of Tolquhon, and left by him to his son Thomas.

1650. Charter of the same under the Great Seal in favour of Thomas Forbes, to whom the lands are adjudged for £1363 Scots.

1652. Several disputes having arisen between Thomas Forbes and Kennedy of Carmucks, hereditary Constable of Aberdeen, concerning the bounds of their estates, and a trench which Kennedy caused to be dug across the highway leading to Ellon, were left to arbitration. But in February, 1652, news being brought to Watertoun that Mr Kennedy was proceeding with his tenants in this work, Thomas Forbes rose from dinner, and went with some of his servants, and the sheriff-clerk of Banffshire &c., to hinder him; the Kennedies being armed broke the arm of the sheriff-clerk, shot one of the servants through the body, and wounded Mr Forbes in the head, of which he languished till the month of June, and then died. The Kennedies then fled, and were outlawed and forfeited, in consequence of a criminal process which lasted several years.

1652. By his Will, made some time before his death, and registered 17th November, 1652, he appoints his wife, Jean Ramsay, his sole executrix and tutrix to his children—William, John, Alexander, Janet, Jean, Elizabeth, Grisell, and Margaret—but in case of her death or marriage, he then ordains the following persons to be his executors and tutors to his children, viz.—William Forbes of Tolquhon, his father, Alexander Fraser of Philorth, his brother-in-law, John Gordon of Haddo, his brother-in-law, Thomas Fraser, younger of Strichen, William Forbes, advocate, his brother, Robert Skeen, merchant burgess of Aberdeen, Jean Ramsay, his spouse, Sir Gilbert Ramsay of Balmayne, Baronet, her brother, David Ramsay, father of Sir Gilbert, James Strachan of Fettercarne, Alexander Ramsay of Pitsgarbie, and John Udny of that Ilk—his personal property being divided into thirds, his wife to have a third, and the remainder to be divided among the children as the tutors should think fit.

By schedule annexed, it appears that his personal effects and credits amounted to £45,056 16s. 4d., Scots money,

The principal articles were—

Furniture and farming stock,	...	£3459 6 8
Bond of Sir Gilbert Ramsay, ...	...	10,000 marks.

Bond of Sir John Gordon of Haddo, ...	£5000	0 0
Do. John Donaldson, ...	10,000	marks.
Do. Seaton of Minnes, ...	2000	do.
Do. James Buchan of Auchmacoy, ...	£1000	0 0
Do. Alexander Farquhar, ...	1000	0 0
Do. George Gordon and Robert Forbes of Craigievar, ...	1000	0 0
John Leslie and Sir Patrick Leslie,	3400	marks.

By the petition given in against the Kennedies, after his death, it appears that he left the following children:—John, James, Janet, Jeane, Elizabeth, Grisell, Margaret, Isobell, and Anna—to whom was joined, Sir John Gilmour, advocate, spouse to Janet.

1654. John Forbes of Knappernay received sasine of the lands of Woodlands and others, from Sir William Johnston, with consent of Sir Walter Forbes of Tolquhon, and the curators of John Forbes of Watertown.

1654. 5th January. Contract of Marriage between James Strachan of Inchestuthell, and Elizabeth Forbes, with consent of her mother, Jean Ramsay, by which he settles the life-rent of his lands on her, after the death of his mother, Margaret Ramsay, in consideration of a portion of 8000 marks: it is signed by Alexander Ramsay, and David Ramsay, as curators.

1655. John Forbes took possession of the lands of Craigie, &c., as heir to Thomas, his father, in consequence of a settlement made by William Forbes of Craigie.

1658. He also obtained Sasine of the lands of Bonakettle, in consequence of the above settlement.

1657. The two Kennedies, flying the country, made over their estates to John Moir and his wife, J. Sandilands, and the longest liver of them.

1659. 1st May. John Forbes disposed of the teinds or tithes of Woodlands in favour of William Johnston.

21st September. He was admitted burgess of Aberdeen, *jure paternitatis.*

1660. Assignment, Robert Straton and Janet Forbes to Lady Watertoun.

1661. Thomas Gordon and Isobell Hay, his wife, wadsett the lands of Bonakettle, in the parish of Udny, to pay to Jeane Ramsay and John Forbes, her son, the sum of 440 marks *per annum*.

1663. Sir John Forbes obtained Sasine of the lands of Alathine and Hillhead, in the parish of Udny, from Alexander Meinzes of Kinmundie, by way of wadsett, redeemable by Menzies of his brother-in-law, Seton of Pitmedden; he was to receive from them 132 marks *per annum*.

1664. Contract of marriage between James Brodie (with the consent of his father and brother Alexander Brodie, elder, and younger of Lethen) and Margaret Forbes, with consent of her mother and brother, Jeane Ramsay, and Sir John Forbes of Watertoun. His fortune is settled at 12,000 marks, and hers at 4000 marks. Signed, on the part of James Brodie—Alexander Brodie of that Ilk, Alexander Brodie, elder, and younger of Lethen, David Brodie of Pitgarvie, Francis Brodie, elder and younger of Inverlochie; on the part of Margaret Forbes—Jean Ramsay, Sir Alexander Forbes of Tolquhon, Sir John Gordon of Haddo, Sir John Forbes of Watertoun, James Sutherland of Bimintie, David Ramsay, jun., of Balmain, James Forbes, her brother.

1665. Commission from the Noblemen and Gentlemen of the county of Aberdeen, to Sir John Forbes of Watertoun, empowering him to represent them before the Lords of the Privy Council, and Lords of the Exchequer, in order to give an account of the assessments of the County, &c.—Signed. Meldrum, Fraser, Fyvie, Pitsligo, W. Meneses, Ro. Patrie, J. Guthrie, Jo. Fullarton, James Baird, Allexr. Straquhine, George Hay.

1665. Jeane Ramsay summons Sir James Strachan of Thornetoun, complaining that, soon after the death of Elizabeth Forbes, his wife, he had neglected his affairs, and abandoned his three children—James, Jean, and ——— Strachan—whom the said Jean Ramsay, their grandmother, had taken in, and educated. She requires that he should make her an allowance for the same.

1666. Contract of Marriage, John Dowglass (eldest son of James Dowglass of Inchmarlie, and Isobel Ramsay), with Grissel Forbes, with consent of her mother, Jean Ramsay, and her brother, Sir John Forbes. James Dowglass, the father, settled all his lands on them and their heirs male, after his own and his wife's death, and, in the meantime, agrees to allow them 600 marks a-year. If there shall be no heirs male, and but one daughter, she

is to have 6000 marks—if more, 10,000 marks among them, payable at 14 years old. Sir John Forbes gives, with his sister, 6000 marks, to be laid out on mortgage, for the benefit of the younger children.

1667. Commission from James, archbishop of Saint Andrews, to Sir John Forbes, empowering him to collect the rents, and manage all the estates belonging to that See, in the counties of Aberdeen and Kincardine, during the term of their joint lives.

1667. Admission of Sir John Forbes, as burgess and guild brother of Edinburgh—fees of admission, £166 13s. 4d.

1668. John Moir, and his wife, make over to Sir John Forbes of Watertoun, all the lands of Ardgrane, Carmucks, Broomfield, Kirkhill, and other property they had bought from the Kennedies for £42,500 Scots. This agreement is witnessed by Sir John Gilmour, president of the College of Justice, Sir George Gordon of Haddo, A. Ramsay, John Falconer, J. Fraser, John Burnett.

1669. Arbitration Bond between Sir Alexander Forbes of Tolquhon and Sir George Gordon of Haddo, in which Sir John Forbes is appointed umpire by both parties.

1669. Charles 2d, by charter, grants to Sir John Forbes, knight, his heirs and assigns, all the lands of Ardgrane, the office of Hereditary Constable of Aberdeen, the lands of Carmucks, Wattieshill, Boroughley, Kirkhill, Clayhills, &c., in the parish of Ellon, lately in the possession of John Kennedies, senior and junior, and of John Moir; also, the lands of Knapperna and Mostoun, in the parish of Logie-Buchan, lately in the possession of William Moir and John Bannerman of Mostoun; also, the fishing on the Water of Ythan, sundry lands in the parish of Ellon, and the patronage and tithes of the Church of Ellon; also, Craig of Ythan, Over and Nether Ardmore, &c., in the barony of Alathine, lately in the parish of Ellon, now in that of Udny; also, the southern part belonging to the laird of Pitmedden, of the lands Logieruiff and Orchardtoun, the lands of Tullimald and Woodlands; and unites all these forementioned possessions into one free barony, to be called the barony of Ardgrane, and to be held by the said Sir John Forbes in fee of the Crown, with rights of Mines, Coals, Hunting, Fishing, Courts, Pit and Gallows.

1670. Contract of Marriage between Mr John Reed of Barra, and Isobell Forbes, with consent of her mother, Jean Ramsay, and her brother,

Sir John Forbes. Her portion was £4000, in consequence whereof she was infeft in sundry parts of the lands of Barra. If there was one daughter, she was to have 6000 marks, if two they were to have 9000 marks, and if there were three or more, they were to have 12,000 marks divided between them.

1676. Alexander Forbes of Saach grants discharge to Dame Jeane Gordon, relict and heir of Sir John Forbes of Watertoun, for sundry sums she had given him, in order to acquit the interest due on several bonds and debts contracted by the said Sir John Forbes, amounting, in the whole, to 35,400 marks, at 6 *per centum per annum.*

1678. Thomas Forbes, eldest son of Sir John Forbes and Dame Jeane Gordon, his wife, chose the said Dame Jeane Gordon as his sole curatrix, the nearest relations on both sides being summoned, viz.—Sir Alexander Forbes of Tolquhon, Knight Banneret, and James Forbes of Saach, on the father's side; and Sir George Gordon of Haddo, Baronet, one of the Lords of Session, and Patrick Gordon of Nethermuir, on the mother's side.*

* It does not appear by what title Sir Alexander Forbes of Tolquhoun is ranked with James Forbes and Sir George Gordon, the uncles, and nearest relations of Thomas Forbes, unless, perhaps, he married Jeane, his father's sister, or was summoned on this occasion as the chief of the family. The history of this Sir Alexander, as often related to me by my grandfather, is so peculiar as to deserve recording:—In his father's lifetime, he led a party of horse to the assistance of Charles 2d, and was present at the battle of Worcester. When the battle was lost, he saw the King flying on foot, gave him his horse, and made a stand with a few followers, in order to give the King time to escape. He, himself, was left wounded on the field, but escaped with his life, and, his father being alive, had no lands to forfeit. When the King received his horse from him, he asked his name, and, on being informed of it, said, in parting—"Adieu, Sir Alexander." He was not among the first who made their court at the Restoration; but, being prosecuted and imprisoned at Edinburgh, by the clergy, for refusing to do penance for having a bastard child, and other contempts of their authority, for which they had condemned him to a fine of 10,000 marks, he procured bail, and went up to London, where he made himself known to the King, who, notwithstanding the opposition of Lauderdale and the Presbyterian party, granted him a remission of his fine, and a *nolo prosequi*, and established his rank as a Knight Banneret, which he claimed as being knighted on the field of battle, the King observing to those who opposed it, that if the usual ceremonies had been omitted on the occasion, it was not owing to Sir Alexander's want of merit, but to his Majesty's want of time. He soon after retired to his estate in Scotland, and it does not appear that he either asked or obtained any other favor for himself or his friends.

1680. Rental of the lands of Knapperna, Woodlands, and others, to be accounted for by Sir Alexander Forbes of Tolquhon, who had held them six years, amounting to 2572 marks.

1680. Discharge of Anna Forbes, youngest daughter of Thomas Forbes and Jeane Ramsay, and of her husband, Andrew Middleton of Pitsgarvie, for four thousand marks, in full of the portion settled upon her by her said father, Thomas Forbes, with interest, from the year 1678, when she married.

1680. Alexander, archbishop of Saint Andrews, adjudges to Alexander Cuming of Brunthill, all the lands of Carmucks, Kirkhill, Borrowley, and Clayhills, &c., in consideration of a claim he has on those lands, for £40,185 6s., by a Decree of the Court of Session in 1668, with interest since that time.

1681. Sasine of same.*

1683. Contract of marriage between John Chancellor, merchant in Edinburgh, and Jean Forbes, eldest daughter of Sir John Forbes, with consent of Thomas Forbes, her brother, Jeane Gordon, her mother, James Forbes of Savock, her uncle; John Chancellor engages to settle, on mortgage or otherwise, 20,000 marks.

1684. Thomas Forbes granted a bond of provision to John Forbes, his brother, for 5000 marks.

1684. Ditto to William Forbes, his brother, for four thousand marks.

1684. Ditto to Elizabeth Forbes, his sister, for 3000 marks.

Ditto to Isobell, his sister, for 3000 marks.

1685. Thomas Forbes, having become of age, grants a discharge to his mother for her acts during his minority, and of the same date obliges himself to hold her harmless from such debts or obligations as she may have personally incurred on his account.

* 1680. The titles of these lands remaining in his possession, it appears probable that Thomas Forbes retained them, on paying to Alexander Cuming and his heirs the sum adjudged to them, particularly as he afterwards settled part of them as a jointure on Elizabeth Nicholsone, in the year 1689, and sold part of them, after her death, to James Gordon of Aberdeen, possibly to enable him to discharge the debts he had contracted by that and other means.

1685. Certificate of his having taken the Oaths of Allegiance and Supremacy to James 7th.

1685. List of the lands belonging to Thomas Forbes, and the titles by which they are held.

1685. Declaration of the Presbytery of Ellon, that the payment by Thomas Forbes of the sum charged by them on the Salmon Fishing of Ythan, towards repairing the church, shall not be urged henceforth as a precedent.

1685. John Douglas grants his wife, Grissel Forbes, sasine of his lands of Tillywhilly.

1686. Contract of Marriage between Alexander Christie of Ellon, and Grissell Forbes of Balmakassie, by which it appears that Jeane Ramsay (who had left Grissell a legacy), had appointed her son, James Forbes of Saach, and afterwards of Thornetoune, her heir and executor.

1686. Bond of Sir Thomas Stewart of Balcaskie, one of the Lords of Session, to Katharine Galloway, daughter of the deceased Thomas lord Dunkeld, and Dame Margaret Thomson, his wife, for £3000.

1688. Dame Jean Gordon, by will, leaves her personal property to be equally divided between her three younger sons, John, William, and George.

1689. Contract of Marriage* between Thomas Forbes of Watertoune, and Elizabeth Nicholsone, 2d daughter of Sir George Nicolsone of Balcaskie. In consideration of a fortune of 10,000 marks, he settles on her the house of Ellon, with Clayhills, Broomfield, Ardgrane, &c., in life-

* This marriage does not appear to have been a happy one, the lady being a rigid Dissenter, which ill agreed with the principles of her husband's family, as may be judged from the following anecdote:—Among other superstitious customs of the Churchmen and Cavaliers of Scotland, was that of eating a goose at Christmas. Thomas Forbes inviting his tenants and dependents to this annual entertainment, she would not let them enter the house, and he had the table spread in an out-house in the yard. When they were all set down, she sent them out the goose unplucked. He also seems to have been on ill terms with the children she left, as some very sharp letters passed between him and his son, John; and his daughter, Margaret, was disinherited by him for marrying Hay of Balbithen against his consent. As he was then married to a second wife, these disputes with his children may perhaps be accounted for. John Forbes, his eldest and then only remaining son, by this marriage, having travelled in France, and become intimate with the Marischal family, followed their fortunes in 1715, and was killed at the Battle of Sherrifmuir. He appears, from his letters, to have been a sensible and well informed young man.

rent, and, if they should have no sons, he binds himself to settle 10,000 on one daughter, 15,000 marks if two, and 20,000 marks if three or more, to be equally divided between them. Consents: for him—George, Earl of Aberdeen, his uncle; for her—Sir George Nicolsone, her father, Margaret Halliburton, her mother, Thomas Nicolsone, her brother.

1691. Thomas Forbes admitted a burgess of Aberdeen, *jure paternitatis.*

1692. Contract of marriage between John Strachan of Belly, son of Sir James Strachan of Thorntoun, and Isobel Forbes, younger daughter of Sir John Forbes—he to give 7000 marks, and she 3000 marks, to be settled on her and her children. Signatures—John Strachan, Sir James Strachan, his father; Isobel Forbes, Thomas Forbes, William Forbes, apothecary in Aberdeen, John Forbes, merchant in London, her brothers.

1698. Letter from John Saltoun of Carnbie, who had been employed by Lady Dunkeld and family, to solicit for the forfeiture of her son, which, he supposes, might be obtained without much difficulty, as Lord Dunkeld, though outlawed, had never had any commission from the late Government.

1698. Thomas Forbes makes provision for his younger children, by his deceased wife, Elizabeth Nicolsone, George and Margaret, viz.:—8000 marks each, but in case her brothers, John and George, should both die, then Margaret to have 18,000 marks.

1707. Thomas Forbes granted a mortgage on the lands of Picktillem, Cassiegills, and Smiddie-croft, to Thomas Leslie, for 2000 marks, at 6 *per centum.*

1707. John Forbes, jun. of Watertoun, admitted burgess of Aberdeen.

1708. Letter from Margaret Thomson to Thomas Forbes, by which it appears that their application for the forfeited lands of the late Lord Dunkeld had been successful, and that they were disputing about the division. The Dowager Lady Dunkeld wished to have an equal division, while Thomas Forbes, who, in 1690, had married Katherine Galloway, claimed the greatest part, in right of his wife, who was her eldest daughter, and eldest sister of the forfeited Lord.

1711. Thomas Forbes commenced a suit against the Earl of Aberdeen, his uncle, alleging that Sir John Forbes, having entered into an

agreement with his superior, the Earl of Dumfermling, and given him 6000 marks, to purchase the superiority of the lands of Watertoun, whereof the assignment was not made when he died, Lord Aberdeen, as his uncle and trustee, undertook to get the bargain completed, and, when he came of age, made him pay 8000 marks for it, though it could be proved that he had not paid anything—the assignment being made in consequence of the 6000 marks paid by his father, Sir John, before his death. The Earl, taking advantage of his minority, and his mother's confidence in him, had deprived him of other rights.

1713. William Forbes, minister of Tarves, in virtue of the power granted to him by Thomas Forbes, his brother, in the bond of provision of his sister, Elizabeth, divides her fortune among her children, by Walter Stewart of Fortrie, her husband—they were Thomas, John, Jean, Margaret, and Catharine.

1717. Thomas Forbes, by will, appoints the following persons to be tutors and curators of Thomas, James, William, Jean, and Mary, his children, by Katharine Galloway, viz.—John Galloway of Baldivie, Andrew Galloway, Thomas Forbes of Thorntoun, George Forbes, his brother, David Rickart of Rickartoun, Alexander Abercrombie of Tillibourie, Andrew Hay of Montblarie, Alexander Thomson of Portlethen, Robert Barclay of Urye, James Udny of Aberdeen, William Forbes, minister of Tarves, Sir Thomas Nicolson, Bart., William Nicolson of Margi, Robert Gordon of Clunie.

1718. Mary Galloway acquaints her uncle, Forbes, with the arrival of herself and mother at Craighall.

1721. William Forbes, minister of Tarves, and Janet Gregorie, his wife, discharge Thomas Forbes of the obligations he had entered into at their contract of marriage.

1722. 29th November. Thomas Forbes made an entail of all his estates on Thomas, his eldest son, and his heirs male, secondly on James, his 2d son, then to William, his third son, then to ——— Forbes, son of his brother, John Forbes, late of London, deceased, then to his brother, William Forbes of Tarves, and his heirs male, and then to his heirs female, by Katharine Galloway, always secluding his eldest daughter, Margaret, and failing such his heirs female, then to the heirs female of the aforesaids,

to succeed according to seniority, and their husbands to bear the name and arms of Forbes of Watertoun.*

N.B.—It appears, by the enumeration of lands here specified, that he had sold part of the lands of Carmncks, &c., to James Gordon, sen., of Aberdeen.

1722. 1st December. Thomas Forbes, by bond of provision, grants 10,000 marks to James Forbes, and 6000 marks to Mary Forbes.

1723. Katharine Galloway was infeft as life-rentrix on the lands of Watertoun.

1723. 28th October. Katharine Galloway, with consent of her husband, Thomas Forbes, makes over, in lieu of his bond of provision to their second son, James Forbes, all the money they might recover from the estate of the late James, lord Dunkeld, her brother, in consequence of the bond of provision made to her by Thomas, lord Dunkeld, her father, of 14,000 marks, with interest from 1690, when she came of age, for which an adjudication had been obtained by them, in a suit against the Crown.†

1725. Thomas Forbes, by deed, makes over all his household furniture, &c., after his decease, to his wife, Katharine Galloway.

A deed was entered into by the several parties interested in James, lord Dunkeld's affairs: it appears that the estate was given to his son, who came to England about this time: that

Mrs Katherine Galloway, born 1669, and her husband, Thomas Forbes, had ..	15,380	marks.
Jean Galloway, born 1671, ...	7250	,,
John Falconer, minister of Carnbie, in right of his deceased wife, Elizabeth, born 1673,	6770	,,
Margaret Galloway, born 1678, and Thomas Rattray of Craighall, her husband,	5680	,,

* No mention being made in this deed of his brother, George, though he recapitulated the whole family in order to cut off his daughter, Margaret, it is reasonable to conclude he had died without issue before this time.

† Bond dated 15th April, 1679, registered November, 1699; Decrees of the Court of Session, dated 15th January, 1702, and 17th June, 1703.

Thomas Forbes, for aliment of his wife and her three younger sisters, from their father's death to their majority, ... 7300 marks.

John Galloway of Baldivie, on paying these sums, was to have the lands of Carnbie.

Previous to Lord Dunkeld's* coming over, he writes to his uncle, Forbes, complaining that his grandmother and uncle, (likely Andrew, who was probably now dead, as well as his mother) and other relations, had sold his estate without his knowledge, and not accounted to him for the money. It is probable they satisfied him when he came over, as he then appears to be on good terms with them.

* James, lord Dunkeld, Lieutenant-General in the French Service, died in the beginning of the 18th century, February, 1702, during the siege of Cremona, leaving two children, a son and daughter. The son was first made Garde de la Marche to Louis XV., in 1724, and afterwards promoted in the army, till, in 1747, he was made Marechal de Camp. Not being promoted and employed as he expected, when the war broke out in 1756, he obtained his discharge, and had apartments assigned him in the Chateau of Vincennes, where he died in or about the year 1780, and was buried in the church there. Some years before his death he married Madame d'Ancelin, who had a son and daughter, by a former marriage. The son still retained his apartments at Vincennes, in 1790; and the daughter took the veil in the Convent of Val de Grace, in Paris, and died there, 1785. As Lord Dunkeld left no children, the male line of his family became extinct, and the patent being to heirs general, as appears by the copies in the Registers at Edinburgh, it would have descended to the heirs of Katharine Galloway, as eldest daughter of Thomas, lord Dunkeld, if the attainder had not taken place. [*N.B.*—The writer seems to have been under a mistake as to the limitation of the patent, which is to heirs male of the body.]

SECOND LIST

OF

PAPERS RELATING TO THIS FAMILY.

1725 TO 1775.

1726. Admission of Thomas Forbes as burgess of Irvine.

1726. Admission of Thomas Forbes, jun., to the Royal Company of Archers, at Edinburgh.

1727. Discharge from John Galloway of Baldivie, to Thomas Forbes of Watertown, and Katharine Galloway, his wife, for the lands of Carnbie, which they had disponed to him in consequence of the decree of the Court of Session concerning the estates of the deceased Thomas, lord Dunkeld.

1731. Testament and inventory of the moveables of Thomas Forbes of Watertown, who died this year on 30th January.

1731. Agreement between Katharine Galloway, widow of Thomas Forbes, and Thomas Forbes her son, by which she accepts 900 marks and 60 fat hens *per annum*, in lieu of the lands assigned for her jointure.

1733. Order for administering an oath to the following persons concerned in a process, as heirs to Montgomery of Asloss, his daughter, Margaret Montgomery, and her husband, Thomas Forbes of Watertown, Janet Montgomery, and her husband, James Somerset of Knox, Ann Montgomery, and her curator, Walter Montgomery of Kirtonholm, and Sir David Cunninghame of Corshill, husband to the deceased Penelope Montgomery.

1734. Declaration by Elizabeth Forbes, relict of Walter Stewart, minister of Ellon and daughter of Sir John Forbes of Watertown, concerning the distribution of the effects of her deceased brother, George Forbes of Balmakassie, into five parts, between his brothers, Thomas, William, and John, and his sisters, Elizabeth and Isobel.

1735. Letter from Martha Chancellor aux Dames Angloises, Rue Charenton, a Paris.

1735. Discharge of Robert Stuart for 1000 marks.

1736. Discharge by Alexander Forbes, junior, of Lochermick, to Waterton.

1739. Letter from Mary Galloway, of Dunkeld, mentioning her profession as a nun.

1741. Thomas Forbes of Watertown, and M. Montgomery his wife, sell the three pound land of the Holms of Dundonald, in the Shire of Ayr, to Robert Cunningham of St Christopher, for £1008 14s.,

1746. Order for supplying the army with provisions.

1748. Letter from Major James Dundas, of Halkett's Regiment, at Osterhout, near Breda, announcing the death of John Forbes, younger of Watertown, a lieutenant in the Scots Dutch regiment.

1748. Inhibition by Thomas Forbes against Sir Alexander Forbes of Foveran. Sundry receipts from Mary Strachan.

1752. Thomas Forbes disponed the superiority of the lands of Watertown, with part of the moss of Monfothie, to Thomas Forbes, junior, his eldest surviving son, in order to give him a vote for the County.

1763. John Forbes, draper on Tower Hill, descended from Sir John Forbes of Watertown, dying without any will which could affect his real estate, Thomas Forbes, as his heir-at-law, took possession of an estate called Borshall Down, near Dover, in Kent, and, in order to clear off some incumbrances on his Scotch estate, mortgaged it to Albany Wallis, attorney in London, for £1000.

1768. Thomas Forbes, junior, died in the East Indies, and by his will left Thomas Buchan of Auchmacoy, James Ligertwood of Tillery, and others, executors.

1770. Thomas Forbes sold the lands of Watertown, by public sale, to George, earl of Aberdeen, but died, in August, 1771, before the purchase was completed; by the articles he obliged his grandson, John, the son of Thomas Forbes, junior, deceased, to dispone the superiority and moss, under the penalty of £500.

1775. John Forbes, coming of age, was served heir to his grandfather, and implemented the above articles of sale.

1777. John Forbes wishing to sell the estate of Borshall Down,

discovered it to be Gavelkind, in consequence whereof, his brother, and the descendants of William, another son of Sir John Forbes, became entitled to share the estate. He therefore gave notice to the several parties concerned; and William Forbes, merchant in Aberdeen (of Echt), as representing his brothers, came to London, and, by a deed of agreement between him and John Forbes, settled the sale of the estate, the division of the purchase money, and arrears of bygone rents, and granted mutual releases.

APPENDIX.

TOLQUHON

RTOUN

PLATE I

Family of Forbes from Lumsden, &c.

Temp. Charles II. — *The following families existed and bore the Arms undermentioned.* — *Nisbet's Heraldry*

1. Lord Forbes. — *Azure 3 Bracelets Couped Argent mazzled Gules supported by 2 Greyhounds Argent Collared Gules Crest a Stagghead attired proper*
2. Corsendae — *Dashes with Crescent for difference Crest a Hands hand*
3. Sr John of Monymusk. — *Azure on a Chevron between 3 Bears heads Couped Argent Mazzled Gules 3 Mens Hearts proper with Wings to*
4. Robslaw. — *Azure a Xfess fesse Argent billetd and quarterlled Or between 3 Bears heads Couped of the 2nd and Mazzled Sable Crest a Hart proper*
5. Baffling. — *Azure a Chevron betweene 3 Bears heads Couped Argent Mazzled Gules a Mens Head proper between 2 Skeins of the 1st pommelled Or*
6. Corss. — *Azure a Cross Couped Or betweene 3 Bears heads Couped Argent Mazzled Gules*
7. Craigyvar. — *Azure 3 Bears heads Couped Argent Mazzled Sable in vnder a Cross patre fitchee*
8. Grannard. — *Azure 3 Bears heads Couped Argent Mazzled Sable supporters a Crocodile & Dragon Proper*
9. Pitsligo — *Paual 1st Forbes with a Crescent for difference 2nd and 3rd Azure 3 Compartizes Argent for Proper supporters 2 Bears proper Crest a Falcon*
10. Rires. — *1st and 4th A Lion Rampant Gules for Rires 2 & 3 Rires Or Crest a Greyhound*
11. Echt — *Azure a fesse Chequy Argent & Gules betweene 3 Bears heads Couped of the Mazzled Sr*
12. Millbuy. — *A Skein palewayes with a Mullet Armed Couped Or on the point betweene 3 Bears heads Couped Argent Mazzled Gules*
13. Tolquhon. — *1st and 4th Forbes 2nd and 3rd Argent 3 Chevrons Armds counsel Sable for Preston supporters 2 Greyhounds proper collared Gules Crest a Dogs head R Tyrres*
14. Watertoun. — *Ar Tolquhous & by a cog of Sinklaw on Escutcheon Argent charged with a Sword and Key Saltier wise Gules as Constable of Aberdeen Crest Eagle displayed Sable*
15. Savock. — *Ar Tolquhous & for difference a Crescent surmounted of another*
16. Achreddy — *Ar Tolquhous all within a bordure Cheque Argent and Gules Crest a Sword hands ou*
17. Baligie. — *Parted perfesse Azure and Argent 1st Forbes 2nd Preston Crest Shead of Arrows*
18. Culloden. — *Azure on a Chev trun betw een 3 Bears heads Couped Argent Mazzled under 3 Buiness heads erased Sable Crest an Eagle displayed Or*
19. Foveran. — *Ar Tolquhous and in the centre of the Arms of Forbes a Cross patu Argent for difference Crest a Cross patu Argent*

II.

Pedigree

OF FORBES OF WATERTOUN, COUNTY OF ABERDEEN.

SIR JOHN FORBES
with the black Lip.
Battle of Dupplin,
1371.

- ALEXANDER. b. 1732, m. 1753, to Elizabeth Mary, daughter of John Cousmaker in England, died at Batavia, 1768.
  - JOHN, b. 1754, d. 1838, ghter of Henry Southouse, 1784, in England.
    - ıRY, 50. ELIZ. MARY.
    - JOHN HOPTON, J. P., County Hants, b. 1789, m. 1818, Johna Cath., daur. of Revd. W. Heath.
      - JOHANNA AGNES, m. 1843, George, 3d son of Sir Cha. Forbes of Edinglassie, Bart.
      - ADA A., ob. 1820.
      - WALTER STUART, b. 1824, ob. 1829.
      - ISOBEL, m. G. H. Errington, Esq.
    - SARAH, m. 1811, Tho. Wr. Southouse of Dracot, Worcester.
    - MYRAH, b. 1796, m. 1819, Wm. Fenwick of Bombay, ob. 1829.
  - RICHARD WALTER, b. 1762, of Rolvenden, Kent, Deputy-Lieutt., and magistrate, County Kent, m. 1804, daur. Revd. I. Maule, d. 1835.
    - FRANCES, b. 1805, m. 1824, to Mich. Tweedie of Rolvenden, Captain of Royal Artillery.
- Sir WILLIAM..., b. 1734, ob. 1766, in Bengal
- Sir JOHN..., b. 1724, died, unmarrd., 1800.
- ALASTER CAM..., b. 1733, m. 1st., Wm. Durie; 2d, Douglas of Fcehile.
- b. 1735, ob. 1775, at Antigua, unmarried.
- b. 1737, m. Walter Thibou, M.D., Antigua.
- m. —— Smith, Aberdeen.
- Scots 50, un-
- b. 1728, ob. 1758, unmarried

* N.B.—This office, with all Hereditary Jurisdictions in Scotland, was abolished by Act 20, Geo. 2., ch. 43, 1746.

II.

Pedigree

OF FORBES OF WATERTOUN, COUNTY OF ABERDEEN.

SIR JOHN FORBES
with the black Lip.
Battle of Dupplin,
1371.

ALEXANDER, ancestor of Lord Forbes, Corsendae, Monymusk, bt., Corse, Craigyvar, bt. Earl of Granard, &c

Sir WILLIAM, ancestor of Lord Pitsligo, Rires, Nowe, &c.

Sir JOHN, md Preston.

ALASTER CAM, ancestor of Brux.

Sir JOHN, md. Straton of Laurenston.

ALEXANDER, md. Hay of Delgatie.

MALCOLM, md. Forbes, daur. of Lord Forbes.

WILLIAM, md Leith of Barns.

JOHN, md Cheyne of Esselmont

ALEXANDER, md. Anderson.

WILLIAM, md. Gordon of Lesmoir, 1570.

JOHN of Badenty, 1567, ancestor of Culloden, Foveran, bt., Marqs. of Montyney, &c.

WILLIAM of Tolquhon, md J. Ogilvie of Bamf, 1580

Restored the House of Tolquhon, as appears by the following inscription on the gateway—
"Al this Warke excep the auld Tour was begun be William Forbes 15 April 1584 and endit be him 20 Oct. 1589."

WILLIAM of Fiorties, D. S. P

WALTER of Thayestone, afterwards of Tolquhoun, m. Jean, sister of Alexander, lord Pitsligo.

Sir ALEXANDER, Knt. Banneret, m. —— Murray, party to sovl. deeds, 1664 to 1679.

THOMAS of Tolquhoun, m. E. Erskine, daur. of Earl of Buchan, ancestor to Forbes Leith of Whitehaugh.

GEORGE, m. E. Cheyne, heiress of Craigie, d. 1637.

WILLIAM, supposed to have died, S. P., since the lands of Bonakottle, settled on George and his sons, whom failing, to Thomas F. of Watertoun, reverted to Sir John F. of Watertoun, 1658.

ALEXANDER,

THOMAS, received Watertoun from his father, 1630, m. Jean, sister of Sir Gilbert Ramsay of Balmain, Bart., slain by Kennedys of Kermuck, 1652.

CHRISTIAN, m. Strachan.

ELIZABETH, m Caskieben.

ISOBEL, m Fraser of Philorth.

JANE, m Sir J Gordon of Haddo.

WILLIAM, Predecd. his Father. S. P.

Sir JOHN, b. 1638, knighted 1663, * Herod. Constab. Aberdeen, Pat. Chas. II md. 1663, Jane, sister of Sir Geo Gordon of Haddo, 1st earl of Aberdeen, d. 1675.

JAMES of Saaoh, afterwards of Thornetoun.

ALEXANDER, Predecd his father.

JANET, md. 1650, Sir John Gilmoore, Pres Court of Session. 1668.

JEANE.

ELIZABETH, m. 1654, Sir J. Strachan of Thornetoun.

GRIZZEL, m. 1666, John Dowglass of Inchmarlo.

MARGARET, m. 1664, James Brodie of Lethin.

IZOBEL, m. John Reid of Barra. 1670.

ANNE, m. 1675, Andrew Middleton of Pitgarvie. 1678.

THOMAS of Watertoun, b 1664, m. —1689, first, to Elizabeth, 2d daughter of Sir Geo. Nicolson of Balcaskie, Bart., afterwards created Lord Glenbervie, d. 1731.

JOHN, m Walton, London, JOHN, 1764, S. P.

WILLIAM, Minister of Tarves, leR issue 1713

GEORGE, D. S. P., before 1722.

JEAN, m. 1685, to John Chancellor, Edinburgh.

ELIZABETH, m. Walter Stuart of Fortrie.

ISOBEL, m. 1682, John Strachan of Belley, son of Sir James Strachan of Thornetoun.

JOHN, killed at Sherriffmoir, 1715

GEORGE, D. S. P.

MARGARET, m. Hay of Balbithan.

—Secondly, married Hon. Kathar. Galloway, eldest daughter of Lord Dunkeld.

JEANE, b. 1699, m., first, J. Sandilands of Countesswells; m., secondly, to John Farquharson of Inverauld.

MARY, ob. 1767, unmarried.

THOMAS of Watertoun, H.C.A., b. 1700, m. 1723, Margaret, eldest daughter of Montgomerie of Asslona, d. 1770, the last resident of Watertoun.

JAMES, drowned in Don, 1731.

WILLIAM, D. S. P

JOHN, b. 1725. Lt. Scots Dutch, d. 1750, unmarried.

ALEXANDER, b. 1728, ob. 1758, unmarried

THOMAS, b 1732, m. 1753, to Elizabeth Mary, daughter of John Coussmaker in England, died at Batavia, 1768.

WALTER, b. 1734, ob. 1766, in Bengal

KATHARINE, b. 1724, died, unmarrd., 1800.

MARGARET, b. 1733, m. 1st., Wm Durie; 2d, Douglas of Fechile.

JANET, b. 1735, ob 1775, at Antigua, unmarried

JEANE, b. 1737, m. Walter Tilbee, M D, Antigua

ANNE, m. —— Smith, Aberdeen.

JOHN, b. 1754, d. 1838, m. Sarah, daughter of Henry Southouse, 1784. in England.

RICHARD WALTER, b 1762, of Rolvenden, Kent, Deputy Lieut. and a magistrate, County Kent, m 1804, daur of Revd I. Maule, d. 1835.

LANNOY HENRY, D. S. P, 1850.

ELIZ.

MARY.

JOHN HOPTON, J. P., County Hants, b. 1789, m. 1818, Johna Cath., daur. of Revd W. Heath.

SARAH, m. 1811, Tho Wr Southouse of Dracot, Worcester.

MYRA, b. 1796, m. 1819, Wm. Fenwick of Bombay, ob. 1829.

FRANCES, b. 1805, m. 1824, to Mich Tweedie of Rolvenden, Captain of Royal Artillery

JOHANNA AGNES, m. 1843, George, 3d son of Sir Cha. Forbes of Edinglassie, Bart.

ADA A., ob. 1820.

WALTER STUART, b. 1824, ob. 1830.

ISOBEL, m. G. H. Errington, Esq.

* N.B.—This office, with all Hereditary Jurisdictions in Scotland, was abolished by Act 20, Geo. 2., ch. 43, 1746.

PLATE III.

Gift

[illegible] FAMILY OF [illegible]

6 13
John,
third Viscount his son
served heir to his father
1641 created Earl of
Dundee 1660, died 1668,
without issue

Finds first collateral
line of heirs male

Jean Scrymgeour,
married Sir Thomas Thomson
of Duddingston, thro' whom the
Watertown Family are represent-
atives in the female line, and
nearest of kin to the
second Viscount Dudhope

[illegible]
third Lord Gray
died

8
James
died anno 1546, without
issue male, eldest daugh
ter married Scrym
geour, younger of
Kirkton.

Finds direct
descent in male line.

Doctor Alexander
of St Andrews

8
David
of Birkhill, Sheriff
of Inverness

9
Alexander
of Birkhill got the
Estate and took the
name of Wedderburn

10
Present Scrym
geour Wedderburn
of Birkhill and
Wedderburn,

Second collateral line of
heirs male still extant

Tree
OF THE FAMILY OF SCRYMGEOUR,
Constables of Dundee Hereditary Standard Bearers of Scotland.

1
Alexander Scrymgeour
an adhm. Sir William
Wallace conferred the
Constabulary of Dundee
Anno 1298

2
Nicholl
probably
his son

3
Alexander
probably his son
died 1383

4
Sir James
died July 1441

5
Sir John
died about 1444

6
James
died 1475 6
leaving three sons

7
James
his heir married
Isabella daughter of
third Lord Gray
died

8
James
died anno 1546 without
issue male eldest daugh.
her married Scrym
geour youngest of
Kirkton

Ends direct
descent in male line

1
John
of Glaister his
second son

9
John
his son Constable of
Dundee served heir male
to James his Uncle's Son
1548

3-10
Sir James
(served heir to his father
and also in certain lands
to John the father of his
great grandfather
anno 610

F 11
John,
got a Charter in 1620
(as youngest of Dudhope
served heir to himself his father
this 2nd cousin Charles 9 of the
same Lands in half 1584 &
was created Viscount
of Dudhope 1641

12
James,
his son second Viscount
Dudhope served heir to
his father 1643. He was
killed at the battle of
Marston Moor
1644

13
David
died without
male issue leaving
two daughters

A 13
John
third Viscount his son
served heir to his father
to the second Earl of
Dundee 1668 died 1694
without issue

Jean Scrymgeour,
married Sir Thomas Thomson
of Duddingston thro whom the
Watertown Lands are represent-
atives in the female line and
nearest of kin to the
second Viscount Dudhope

Ends first collateral
line of heirs male

Alexander
of Kirkton
his third son

2
James
his son married
eldest daughter of James
the last of Dudhope in
the direct male
line

1
John

J
John

3
John

6
John

Doctor Alexander
of St. Andrews

8
David
of Birkhill Sheriff
of Inverness

9
Alexander
of Birkhill got the
Estate and took the
name of Wedderburn

10
Present Scrym
geour Wedderburn
of Birkhill and
Wedderburn

Second collateral line of
heirs male still extant

Pedigree,

SHEWING THE WATERTON FAMILY TO BE THE REPRESENTATIVES IN THE FEMALE LINE OF THE FAMILIES OF DUDHOPE AND DUNKELD.

James Scrymgeor, 2d Viscount Dudhope, married Lady Mary Ker, daughter of Robert, 1st Earl of Roxburghe. He was slain, in 1644, at Marston Moor, leaving issue

JOHN,
3d Viscount Dudhope, created Earl of Dundee by Charles II. Married Margaret, daughter of William, Earl of Dalhousie, and died without issue, 1669.

JANE SCRYMGEOUR,
Married to Sir Thomas Thomson of Duddingstone, bart. She had only one daughter,

Margaret Thomson,
who, by the death of her mother and uncle, became representative in the female line of the Scrymgeours of Dudhope. She married Thomas Galloway, 2d Lord Dunkeld, 1665, and had issue

1. **JAMES,**
3d Lord Dunkeld, who was with Graham, Lord Dundee, at the victory of Killikrankie, 1689, after which, he fled to France, commanded an Irish brigade in the French service, and was killed at Cremona, when that place was surprised by Prince Eugene. After his forfeiture he married and left issue

   JAMES,
   whose father having been attainted for supporting the cause of one who might be regarded as a King *de facto*,

   MARY,
   (see her letter, 1739,) became a Nun in the Royal Convent of Val de Grace, in Paris, and died 1785.

2. **JOHN,**
latterly of Baldevie.

3. **ANDREW,**
of Baldevie.

Both these died without issue, and the survivor left his property to his brother-in-law, Bishop Rattray of Craighall.

4. **KATHERINE,**
born 1669, md. about 1698, to Thomas Forbes of Watertoun, whose eldest son and successor by this marriage was

Thomas Forbes of Watertoun, Heredy. Constable of Aberdeen, married, 1723, to Margaret Montgomery of Asloas, to whom John Forbes was served heir in 1775, in a process before the Court of Session.

5. **JEAN,**
bn. 1671.

6. **ELIZABETH,**
born 1673, md. J. Falconer, minister of Carnbie.

7. **MARGARET,**
born 1678, md. Thos. Rattray of Craighall.

his case was favorably viewed, and his mother, about 1708, obtained a restoration of the property of the family estates. He came over to visit his relations about 1718 or 1720, but returned to France and entered into the French service, as appears by his sundry commissions, dated from 1724 to 1747. At the breaking out of the war, in 1756, he was Marechal de Camp, and had the King's Brevet Letter to act as Lieutenant-General, but upon some disappointment, obtained leave to retire, and had apartments assigned him in the Chateau de Vincennes. He married a widow, Made. d'Aucelin, and died without issue, in 1780.

John Forbes, who went to Paris, 1786, having received these accounts from the Abbé Gordon, Principal of the Scottish College, went to Vincennes, and was introduced to M. and Msle. d'Ancelin, who were still permitted to occupy the apartments of their late father-in-law.

And from them J. F. received his Lordship's seal, bearing Couronne de Comte (an Earl's Coronet), and his sundry commissions, as above mentioned. By the death of Lord Dunkeld, his sister, Mary, and his uncles, John and Andrew, without issue, the representation of these families devolved to the said John Forbes, as heir male of Katherine Galloway, the eldest daughter of Thomas Lord Dunkeld, by Margaret Thomson, as above stated.

1753. Marriage contract of Thomas Forbes, junior, with Elizabeth Mary Coussmaker.

1770. Thomas Forbes sold the lands of Watertoun, by public sale in Edinburgh, to George, earl of Aberdeen, but died before the purchase was completed. By one of the articles of sale he obliged his grandson, John Forbes, eldest son of his then deceased son, Thomas Forbes, junior, to dispone the superiority and moss of Montfothie under the penalty of £500. Previous to his death he also made a will, which the Court of Session set aside, in consequence of a process of multiplepoinding, instituted by John Forbes against the executors.

1775. John Forbes was admited heir to his said grandfather under the contract of marriage, 1723, and implemented the above articles of sale.

LIST OF SOME OF THE PAPERS IN THE WATERTOWN CHARTER CHEST.

1396. Act of Thomas Brodie of to his superior, Thomas Meldrum, for the lands of Easter Ellon, which he resigned into his hands, and received again.

12th Dec. 1403. Grant by Robert, abbot of Kinloss, of certain tenements on the river Ythan, and in the parish of Ellon, to Gilbert Annand, and Agnes Hay, his wife, and their heirs for ever.

Sept. 1419. Grant by Henry, bishop of St. Andrews, receiving as tenant William Rherell, lord of Balmacassy and the mill, &c., and settling said lands on him and his heirs; 2dly—on Alexander Chrichton, nephew of the Rector of Glenbarvie, and his heirs: 3rdly—on Henry Crichton and his heirs: failing whom to return to the church.

1477. Transfer of the fishing of the water of Ythan, by William Sanclar, baron of Newburgh, and Christian Lesly, his wife, to Sir James Ogilvy of Deskfurd, knight.

Sasine of Ditto.

1480. Sasine of Thomas Bannerman of Waterton on the lands of Broomfield.

1488. Sasine Edmond Bannerman of Waterton, who redeemed certain lands in Ellon, pledged to John Fraser.

1489. Sasine of Symon Bannerman of Waterton in the lands possessed lately by Annand.

1490. Charter given by William, bishop of St. Andrews, to Alexander Bannerman, and Elizabeth Urqnhart, his wife, of the lands of Waterton, Balmakessie, &c.

1500. Thomas Meldrum of Fyvie sold to Alexander Menzies, burgess of Aberdeen, one-fourth of the lands of Waterton, Easter Ellon, and Craighead.

1546. Oath of Alexander Banerman of Waterton, witnessed by Alexander Forbes of Tolquhoun, the Master of Forbes, &c, Annand of Auchterellon, Fraser of Philorth, Kennedy of Karmucks, &c.

1503. Precept by James, archbishop of St. Andrews, for sasine of the half of Balmakessie and Ellon in favor of Alexander Bannerman.

Sasine of Ditto.

1504. Disposition and sale by Cruikshanks of sundry crofts in Ellon to Alexander Bannerman.

1507. Disposition of the fishing of the Ythan, between the lands of the Abbey of Aberbrothock and the sea, by Meldrum of Fyvie to Alexander Bannerman.

1541. Grant by Walter, lord of Saint John, preceptor of Torfichen, to Robert, abbot of Kinloss, of the nonentry duties of the lands of Watertoun, Ellon, Craighead, and others, which he inherited from Robert Meidrum of Fyvie, with sasine of the same, in 1549.

1524. Disposition of one-fourth of the lands of Waterton and Ellon by Janet Tulloch to Henry Bannerman.

1515. Sasine Gilbert Hay, son of Walter Hay.

1516. Thomas Cheyne of Eslemont, Thomas Ogilvy of Milton, and Andrew Koming, alderman of Fores, Thomas Dunbar, burgess of Fores, and John Strachan of Ardgruin, chosen by the Abbot and Convent of Kinloss to settle the boundaries, &c., between them and Alexander Bannerman of Waterton.

1518. Saisine of Henry Bannerman in the lands of Balmakessie, &c.

1521. Procuration of Dorothy Tulloch in favor of Nicholas Hay of the lands of Watertoun.

1522. Instrument between Alexander Ogilvy and William, earl of Errol, relating to the water of Ythan.

1536. Sale of the superiority of the lands of Watertoun, by George Meldrum of Fyvie to Alexander Bannerman, for £220 Scots.

LIST OF PAPERS ANENT WATERTOWN.

1.	Licence from the Lords of Exchequer, &c., to eat flesh in Lent,	1635
2.	E. Johnstone's letter, ...	1642
3.	Andrew Cruickshank's letter, ...	1643
4.	Letter of Damia Crognon, widow of Sir F. Gordon,	1647
5.	Thomas Forbes' letter, ...	1650
6.	J. Skene and Jeane Ramsay's letter, ...	1650
7.	Jeane Ramsay's letter, ...	1653
8.	Do. Do.	1658
9.	Heritors of Aberdeen, commission to Sir J. Forbes	1665
10.	James, archbishop of St. Andrews, to Sir J. Forbes,	1667
11.	R. Forbes' letter, ...	1668
12.	Charter of Charles II., ...	1669
13.	Anent gift of ward and marriage, ...	1676
14.	Lillias Skene's letter, ...	1678
15.	Sir George Nicholson's letter, ...	1689
16.	John Forbes of London, ...	1694
17.	Do. Do.	1696
18.	Letter of Margaret Haliburton, (mother of Elizabeth Nicholson, 1st wife of Thomas Forbes,)	
19.	J. Falconer's letter, ...	1698
20.	John Forbes' letter from Paris, ...	1712
21.	Conditions of farming of Ardgrane, ...	1714

22.	Earl Marischal's passport from Perth,	...	1715
23.	Deed by John Montgomery of Aslous,	...	1717
24.	Martha Chancellor's letter, ...	...	1735
25.	John Forbes, London, ...	...	1741
26.	Printed order from the army for provisions,	...	1746
27.	James Dundas, Osterhout, Holland,	..	1748
28.	John Forbes, Leith, ...	...	1750
29.	Letter of Adam Gordon of Ardoch, ...	...	1753
30.	Letter of Thomas Forbes, London, ...	...	1753
31.	Letter of Margaret Forbes, ...	...	1760
32.	Letter of Lady Errol to Waterton, ...	...	1713
33.	Letter of Mary Galloway at Dundee,	...	1718
34.	Letter of Do. at Paris, ...	...	1739
35.	Letter of T. Forbes to Lady Dunkeld,	...	1708
36.	Letter of Lady Dunkeld to T. Forbes,	...	1708
37.	Letter of Lord Dunkeld at Paris, ...	...	1724
38.	Lady Dunkeld's discharge, ...	...	1689
39.	Galloway of Baldivie's do., ...	...	1727

COPIES OF SOME OF THE DOCUMENTS REFERRED TO IN THE PRECEDING MEMORANDA.

EXTRACT FROM THE ACTS AND DECREETS OF THE COURT OF COUNCIL AND SESSION, 27TH JUNE, 1573.—LIB. 51, FOL. 210.

LORD FORBES *CONTRA* ERLE OF HUNTLIE,

For exonerating LORD FORBES, *his kin, friends, and dependents, from the jurisdiction of The* ERLE *of* HUNTLIE, *and his deputes as Sheriff of Aberdeen.*

List of persons hereby exempted.

William Lord Forbes.
John Maister Forbes.
William Forbes of Fetterlus.
Catharine Barclay, relict of umq. Arthoure Forbes of Balfour.

John Forbes of Brux.
Alexr. Forbes of Ennernettie.
William Forbes of Savock.
Duncan Forbes of Boith.
John Forbes of Tolleis.
10. Duncane Forbes of Fernicloist.
James Forbes of Cowlie.
Wm. Forbes of Ardgeith.
Duncan Forbes of Ledmakay.
James Forbes of Culquhonne.
John Forbes of Newe.
Patrik Forbes of Pettalaquich.
Alexr. Forbes of Carnecullie.
William Forbes of Corse.
Patrik Forbes, Coultis.
20. Alexr. Forbes of Auchentoull.
William Forbes of the Barnes.
John Forbes of Abersuithok.
John Forbes of Boindlie.
Wm. Forbes of the Hill Bray.
James Forbes of Corsinday.
Maister Duncan Forbes of Monymusk.
George Forbes of Kynnewkis.
John Forbes of Abercatie.
John Forbes of Finouch.
30. Thomas Forbes of Elrok.
William Forbes in Tolly.
William Forbes in Schamstoune.
Gilbert Forbes in Kynneller.
Arthoure Forbes, younger.
Maister Alexander Forbes in Torgaifen.
Robert Forbes in Echt.
John Forbes, fiar of Echt.
John Forbes of Sounahonny.
John Forbes in Bennacraig.
40. Wm. Forbes in Ailehousewall.
James Forbes of Craigtoune.
John Forbes of Ardmurdo.
William Forbes of Tolquhoune.
William Forbes of Tullagony.
William Forbes of Calmay.
Alexander Forbes of Pitsligo.
William Forbes of Auchanasie.
Alexander Forbes, burgess of Aberdeen.
Robert Forbes, burgess of Aberdeen.
50. George Johnnestone of that Ilk.
Gilbert Johnnstoun of Standandstanes.
Wm. Johnnestone of Caismylne.
John Lumisden of Cusney.
—— Johnnestone of Cremond.
Wm. Garraxait of Carstairs.
Johnne Caddell of Asloune.
Robert Couttis of Auchterquhoull.
Alexander Burnet of Cluney.
Maister Thomas Burnet of Culythaithlie.
60. Maister Matho Lummesden of Tullicarne.
Alexander Reid in Colthe.
John Thomsone of Waster Disblair.
Michael Fraser of Staniewood.
Alexander Bannerman of Watertoun.
Johnne Dortie, burgess of Aberdeen.

John Blak, thair.
John Roy Grant of Carroune.
Alexander Tullidaff of Rennestoune.
William Strauchane fiar of Glenkentie.
70. Robert Stewart of Portestoune.
Peter Boyd of Dullidrane.
Alexander Skene of that ilk.
Robert Stewart of Urquhart.
Robert Duguid of Auchenhuve.
Maister James Skene of Westercorse.
John Wood of the mill of Fintrie.
Maister Robert Lummisden of Clowaith.
Alexander Irwin of Beltie.
Thomas Michell of Bannabeg.
80. Patrick Lummisden of Collerstone.
Alexander Lummisden, at the Brig of Done.
Johnne Burnet, burgess of Aberdene.
Patrick Skene in Tullinghill.

COPY OF AN OLD MANUSCRIPT.

"In the Privy Council Records, vol. 2d., page 249, there is a bond, dated at Aberdeen, 2d. September, 1574—entitled "Bond of the Barons in the North," whereby they oblige themselves to continue faithful subjects to King James the 6th, &c. It is subscribed thus:—

Andw., Earl of Errol.
Robert, Earl of Buchan.
Wm., Master of Merschall.
John, Lord Glamis.
John, Lord Innerwall.
Henry, Lord Sinclair.
John, Master of Forbes.
Robt., Commendator of Deer.
Alexr. Fraser of Philorth.
John Keith of Pittendrum.
Walter Barclay of Towie.
George Meldrum of Fyvie.
Pat. Mowat of Boquhallie.
Robt. Dalgarne of that ilk.
Wm. Crawfurde of Fedderate.
John Gordon of Cairnburrow.

Wm. Gordon of Craig.
Alexr. Gordon of Abergeldie.
John Forbes of Tollis.
Wm. Urry of Pitfichy.
Wm. Forbes of Echt.
Wm. Straquhan of Glenkindy.
Wm. Cuming of Inueralloquhy.
Thos. Meldrum of Eden.
And. Meldrum of Darley.
George Hallyburton of Pitcur.
Wm. Hay of Delgaty.
Wm. Hay of Ury.
Alexr. Forbes of Pitsligo.
Alexr. Irvine of Drum.
James Gordon of Haddo.
Wm. Lesk of that Ilk.
Alexr. Buchan of Auchmacoy.
Alexr. Annand of Auchterellon.
And. Keith of Ravenscraig.
Wm. Seton of Meldrum.
John Cheyne of Straloch.
Alexr. Irvine of Beltie.
John Burnet of Leyis.
Alexr. Forbes of Auchintoul.
James Skene, appearand of that Ilk.
Mich. Fraser of Stoneywood.
Wm. Douglas of Genberuie.
John Strachan of Thornton.
Wm. Cheyne of Arnadge.
Wm. Oudny of that Ilk.
John Pantoun of Pitmedden.
Alexr. Bannerman of Watertoun.
John Erskine of Balhagardy.
George Johnston of Caskieben.
Alexr. Tullydaff of Ranistoun.
John Mortimer of Craigiwar.
Master Duncan Forbes of Monymusk.
Robt. Turing of Foweran.
Pat. Cheyne of Esselmont.
Wm. Forbes of Tolquhoun.
John Leslie of Balquhane.
Wm. Leslie of Warderis.
John Leslie of that Ilk.
Alexr. Leslie of Pitcaple—with my hand at the pen.
Pat. Leytht of Harthill.
Wm. Auchinlech of Schethin—with my hand at the pen.
John Forbes of Broux—do. do.
John Calder of Aslowne.
John Ross of Auchlossen.
Wm. Dugud of Auchinheiwe.
Gilbert Orme of Casendawy—with my hand at the pen.
Robert Coutts of Auchtercoul, do.
John Gordon of Kennarty—with my hand at the pen.
John Lumsden of Cushnie. do.

In the volume of the Privy Council Records, begining 1st March, 1587, there is recorded a Bond by the Noblemen and Barons of the North for the defence of the true religion, the King's person and estate, and for pursuit of Jesuits and Papists of all sorts, signed at Aberdeen, the 30 April, 1589, by

upwards of 70 noblemen and gentlemen, and among others, by William Farquharson* of Kellas.

Licence to eat Flesh [1635.]

The Lords of Exchecker and Commissioners of His Majesties Rents and Casualties grant and give licence to Thomas Forbes of Watertoune, and his spouse, and such persons as shall happen to be at table with them, to eat and feed upon flesh during the forbidden time of Lentron, and also upon Wednesdays, Frydays, and Setterdayes, weekly, for the space of one year to com efter the dait hereof, and that without anie paine or crymes, scaith or danger to be incurred by any of them, their persons and goods therthrow, notwithstanding of whatsumever act, statute, or proclamation maid in the contrair, quhairanent and all paine contained thereintill we dispense therwith for ever.

Given at the day of the year of God M.vc threttie-fywe years.

Thos. Brechin.	Glasgow.
Ro. Spottiswoode.	Traquaire.
Thomas Hope.	Da. Edenb.
Jas. Carmichaell.	Jo. Rossen.

Letter [1650.]

Right Honble.,

The lady and I hes receiued your letters, where you have expressed a deall of discontent at our decreit—Allwayes, the lady and I both

* This person was descended of Cuming of Altyre, from a second son, who, in 1460, from a family quarrel changed his name, and was progenitor of the Farquharsons of Haughton and others. See Douglas' Baronage, page 333.

request you to be sparing in speaking of Udnie and Mr Alexander Forbes, only you may shew your dissatisfaction, and that you will not stand to our determination, yet do it in a wyse and sober way, if so be we can get the rest of the friends to mend quhat you think is amiss. Bot, however, the lady has promised that any losse that will be by the want of this halfe year's duty, she will make it up to you herselffe before you be hard witht your oncle; yet kepe this quiet to yourselffe, for ther will be bot about ten chadder of victual due to you for this halfe year, and you were to pay out of it two hundred and fortie pounds, and I doubt if you would have gotten so much money out of that victual to have paid your halfe year's annuall at Whitsonday, and all your losse behind will not be bot about fyve hundred pounds behind, bot we sall essay to see if the friends will mend their fault yet, seeing you take it so ill; and this is all that the lady and I can speak to you at present. So, till new occasion, we rest,

Yours, as our seueral relations requires,

Al. Skene.
Jeane Ramsey.

For the Rt. Honble.,
The Laird of Watertoun.

Letter [1650].

Sir,

I expect ye have receivit my wallis with some other weeires from the laird of Kermucks. I am heartly sorrie, saifing God's pleasir, since our brother is taken away, bot we must rewrence the Lord's will. I writ to you, that ye wold be pleased to goe about my bussiness, both anent my decreet of special declaratur, against my brother the Laird of Tolquhoun, and Alexander Brodie, anent the teinds, and let none of my wreites, I intreate you, be amissinge. There is also ane letter wreittin to Dyiss, within quhich letter there is ane bond off Mr Robert Farquharis, also ye have ane gift of idiotry of ane thing concerninge John Forbes. All thir thingis I wolde intreate you to gae about actiuelie, and purchasse me decreitis als soone as ye can, and in special against Tolquhoun anent my teindes. Let me heir from you

with euerie occasion: spare not to give out moneyes as occasion requires; they sall be thankfullie repayit. I have no [persone] heir that I can trust my mooneyes unto, wtherweyes I sould have sent mooneyes of my awin, bot I believe ye will not mistrust me. Establish advocates as you pleis; Mr John Gilmore and Mr James Baird have always been for me in all bussinesses. Patrick Rankain will doe his best, and lat him haue for his pains. I've wreit to you that ye sould employ Mr John Alshoner. I wreit ane letter to Robert Neill for agenting of my businesses, by reason that quhill my brother Mr Wm. liveit, I could hardlie bid you kythe, ye being in companie with him, sua ye may mak use of that letter as you pleise or no. Ask Maister Alexander Forbes, wreiter, anent my compryissinge against Carnoussie, and lat me have the extract of his compt, that he may be satisfeit. I send also to you some executions anent Craigie to be registrat, quhilk I expect is doone. I will leave off to trouble you any furder, onlie this much under God:—I remit my business to your care and diligence, and expect you will lat me heir from you as occasion serves. This is my first employment, and sall labour, God willing, that you be no losser. Thus to new occasion, and ever I rest,

Yours assurit at his worth,

Thos. Forbes.

Aberdeine, 22d Jan., 1640.

I intreate you put on Mr John Alshoner on my bussiness.

For his loving and assured friend,
Patrick Fraser, Vrieter, Edinbro.

Letter [1653.]

Watertoun, 10th Dec., 1653.

Reuerend Sir,

I have seen your letter to Mr John Patersoun, bot there can nothing come out of your hands that I shold think ill off, for when I came to your house I had no intention bot out of kindness to wisset you and your bed-fellowe, and to have had some edification and comfort by you, which I believe I have as much need of as another who possebellie is moir looked upon.

I doe not well know how we happened to fall upon that discourse, bot I am sure I spak nothing but truthe, for give I can no get my business doen bot be calumnies, it shall never be doen for me be God's grace. As for that particular, it is three-quarters of ane year agoe since I hard it, swa that though I made no lie in saying I hard it by Mr Alexander Skeine, and as I believe there did nein poss me of the part I hard it in, bot I did give Mr Jon my author at first, both that the old ladie spak it, and the hous where she spak it, bot in respect ye said ye had never spoken with the old nor young ladie, he could ne be satisfied till he should hear from quhom ye had heard it, because he suspected them of some other thing had been spoken uppon him. I likewayes told him that tho ye had hard it yet ye did nee believe it, and wold ne faill to speak to himself, rather than to another, if you sould heare any thing uppon him, for I most say iff I had been to have challenged speaches ther wold been such reasonnes to have resented it, for it did argue great wickedness in me, but if I had had such a mynd I might have soght another, for it would not have been he. Bot I most resolue amongs the rest of my afflictions, to bear with any thing ye can say, which I esteme to be my smallest cross, iff every ane of your discours had been as well sifted, the most part of them sould have been found ill qualified. I esteem tailbearers nothing bot seditious persons, and I abhor being, tho it ware no ane syne, yet for the shame; iff every ain had alse much to exercise ther mind with as I have, I think it should tak them indifferently up. To discourse of that bussiness is noe so comfortable to me that I need so wearie any bodie, nether shall I ever desire any who had not bein witnesses to it, to speak anything upon my report, and I think whom God had keeped free of such a tragical thing, shall do best no to entangell himself needlesslie. I shall be much obliged to such as will tell me my personall faults privately, but, for any thing I knowe, I do not much care tho any thing that mane can say unto me ware proclaimed oppenlie, albeit I have many secret sins which God has kepit private, for which I wish grace that I may mourne privatelie. For whereas ye say that I have spoken to many in that particular, and given you as the author, it is moir than I knowe if I spak it at all, except Mr. Jo. and his wiff have been the motioners of it, and then I spak as I have written; if I have spoken otherwayes, let them that heard me mak me sensabill of it, for, indeed, to my knowledge, I have written the truith, and shall consent to be backspeered if it be otherwayes.

This wishing you with your bedfellow all health and happiness, she rests who ever myndeth to remain,

Your affectionate to serve you,
Jeane Ramsay.

To the Right Reverend and her much respected,
Mr. Jo. Menzies, Minister, Aberdeen.

Letter [1654.]

The Leard of Watertoune,
Right Honorabill,

Its now of a so long a tyme since a lyne has been interchanged betwixtt us, that I think we wax outt of acquaintance. I have been this long whyll at, and am bott lately returned from Edinburgh. I shal, through God's help, see you att your owne house in March, for I am to bee the length of the Mearnes for to cause cast our peats, and doe uther things incumbant to our removall. I hope yee will nott bee any way from home thorough all that monith of March, butt I may find you when I come. I hope, and am confident, yee'll also mynd the contents of my former letters, and against my coming have something done with my servaent Petrie, and iff Baillzie Skeen receave a meal of myne full of wrytts, from David Strahane, (as is lyke hee'll doe) I pray you cause him keep them carefully for me, for, till Whitsonday, I intend not to bring them away, because I'll heir a folly first to bring them heer, and then so shortly re-cary them to Thorntoune. I pray remember my most entyre love and services to my good-mother, to your lady and her sister, and to your owne sisters, and to Auchmacoy and his lady. I was so haisted that I could nott wrytt to none of them, and onely add the subscryber to bee,

Your most affectionatt br[other,] to serve you,
J. Strah[ane].

Inchstuthill, the 1st of February, 165$\frac{3}{4}$.

Show the lady that (blessed be God) wee'r in health, and children. Jean and James doe speak reasonable as to their age.

Commission to the Laird of Wattertoun [1665.]

Wee, under subscryuearis, noblemen, barons, heritors, and commissioners of His Majesty's annuity within the schyrefdome of Aberdein, having met and convened at Turriff, this day, for taking notice of certain affaires relating to the shire, both as to His Majesty's annuitie, payable furth thereof, and to such other things as might relaite to the affairs of the schyire in general, aifter conference amongis ourselfs anent those effaires, wee did find it most fit and convenient, to commissionate one of our number to go to Edinburgh, with all possible diligence, for informing the Lordis of his Majesty's Privie Counsall, the Lordis of Exchequer, and otheris who may be concernit anent the affairs of the schyire, and thairfore understanding the qualification and fitness of Sir John Forbes of Wattertoune knight to be imployed in such ane affair, wee do hereby nominat, appoint, and commissionate, the said Sir John Forbes of Wattertoune our full and absolute commissioner . . . in name and behalf of the noblemen and heritors within the schyre, and of the Commissioneris of His Majesty's annuity within the samen, to make his address with all possible diligence to the Lord Commissioner His Grace, and to all the honorabill Lordis of His Majestys Privy Counsall, as also to the honorabill Lordis of His Majestys Exchequer, and to any particular persone or persones in aither of their honorabill judicatories, who has any interest in the public affairs that concerne His Majesty within this schyire, to represent to them the trew caice, quherin the schyire standis, as to their duetie towardis the satisfaction of His Majesty's annuitie within the schyire, and if ther be any deficiencie, to hold forth the trew cause and caice thereof, and to inform that this schyire and the Commissioners thereof has been carefull from time to time, that the said annuity sould have been, and sall bee, effectually and tymouslie payed, withall to represent that any deficiency, that is or has been, is occasioned through the great imposition that is imposit upon this schyire, and brughis within the samen, quhilk could nought never be gotten up, neather be excyze, nor cess, in regaird a very considerable pairt of the schyire towards the Hyelandis, and within the samen, has not made any payment of any cess or excyze this divers yearis bygane, altho' they have had many advertisements for that effect, and when pairties is sent to them they are repulsed, and also to represent to the honorabill persons aforesaid,

the great loss and prejudice the Schyre is apparently to be under by the miscarriage and neglect (as we are informed) of James Skeyne and Johne Cruikschank, late fermoreris of the excyze, quhilkis particulars, and any other particular mentionat in the said Sir John Forbes his instructiones given herewith, wee do hereby humbly and earnestly recommend to the consideration of the aforesaid honorabill persons, to whom he is to make his address, entreating and requesting that their Lordships wold take particular notice of the state of the sufferings of the Schyire, and of their willingness to do their duty to the utmost of their power, that they are not able to do more without their Lordships' assistance against the deficiencie, and their favor and forbearance, for anything that may be found resting, quhilk will not be found to be the Schyir's neglect, nor of the Commissioners . . . In testimonie quheroff thir presents are subscribit with our handis at Turriff, the twentie-aught day of Junii, M VI ^{o} sextie-fyue yeiris.

Meldrum.	Fraser.	Fyvie.
W. Meneses.	Ro. Patrie.	Pitsligo.
J. Guthrie.	Jo. Fullarton.	James Baird.
	Alexr. Straquhine.	George Hay.

Commission to Sir John Forbes of Wattertoun, Knight, [1667.]

Att Aberdeen, 29th October, 1667. In presence of Thomas Gordon, sheriff depute, hath compeared Androw Thomsone, advocate, procuratour for James . . . archbishope of St. Andrewes, and gave in the commissioune under written, desyring the same to be registered in the Sheriffe Books of Aberdeene, therein to remain *ad futuram rei memoriam* . . . whereof the tenor follows:—We, James . . . archbishope of St. Andrewes, do by thir presents give full power, warrant, and commissione to Sir John Forbes of Watertoune, knyght, to uplift, collect, and ingather from all and sundrie heritors, fewars, lyferenters, titulars, taxmen of teiths, and all others indebted, liable, and subject in payments of the taxations within the sheriffdom of Aberdeen,

and the parouch of Nig within Kincardine, the which lands are holden of us, as Archbishope of St. Andrewes, or as Prior of the Priory of St. Andrewes, all and haill there respectiue and seueral proportiones due forth of their lands teiths, and whereunto they are taxed of the taxation imposed upon this kingdom by the last Convention of Estates holden at Edinburgh, the fourt day of August, 1666 years last bypast; and that for the cropt and year of God, 1666 years foresaid, at the term of Whitsonday last by past . . . conform to our stent tolls of our said Archbishoprick and Priory, and letters of relieff raised at our instance . . . and generally to do all . . . things in the premises as freely, in all respects, as any other collector of any part of the said taxation may do . . . Providing always the said Sir John Forbes be liable and obliged to make just compt, reckoning and payment to us of his said intromissions, deducting his fees and expences in the first end . . . In witness whereof these presents (written be Donald Black, servitor to Andrew Cunninghame of Tods Greine) we have subscribed the same with my hand at Edinburgh, the 7th day of August, 1667 years, before witnesses the said Alexander Cunninghame, and William Gray our servitor. *Sic subscribitur.* St. Andrews—A. Cunninghame, witness, Wm. Gray, witness.

Extractum per me,

James Swane.

Precept of King Charles II. [1669].

Charles, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, to our beloved cousin and councillor, William, earl Marshell, lord Keith, &c., keeper of our Privy Seal, greeting in God everlasting; Forasmuch as we, with advice and consent of our beloved cousins and councillors, John, earl of Rothes, lord Leslie, and Ballinbreiche, &c., our chancellor of this our kingdom of Scotland; John, earl of Lauderdaille, &c., our only secretary of our said kingdom; John, earl of Tweddale, &c.; Alexander, earl of Kincardine, &c.; William, earl of Dundonald, &c.; William, lord Ballenden; and our trusty councillor Sir Robert Murray, late our clerk of justiciary; our Commissioners

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for our Treasury, and our Comptrollers of Accounts, and the Treasurer of New Augmentations within the said kingdom of Scotland, and also with advice and consent of the rest of the Lords, our Commissioners of our Exchequer of our said kingdom, WE have given . . . and for us and our successors, perpetually confirmed to our lovit Sir John Forbes of Wattertoune, knight, his heirs male and assignees whomsoever, heritably and irredeemably, all and whole the lands of Ardgrane and Bromfield, with the multures, sequels, houses, buildings, gardens, tofts, crofts, outsetts, tenants, tenandries, services of free tenants, moors, marshes, meadows . . . and . . . pertinents, lying within the parish of Ellon, and our sheriffdom of Aberdeen, along with the hereditary office of the Constableship of Aberdeen, and all privileges, liberties, profits, and commodities pertaining to the said office, along also with all and whole the teind-sheaves of . . . the lands of Carmuck, Borouley, Wattishill, Kirkhill, mill lands thereof, Clayhills, and Fyvie Lands crofts of Ellon, with the . . . pertinents, lying within the said parish of Ellon . . . Which lands, office of constableship, teind sheaves, and others above written, with the pertinents, formerly belonged heritably to John Kennedy, elder of Carmucks, and John Kennedy, younger of Carmucks, his son, and afterwards to John Moir of Carmucks, and which were duly and lawfully resigned by them and their lawful procurators . . . in the hands of the saids Lords of our Exchequer . . . as in the hands of us, immediate and lawful superiors thereof, at Edinburgh the twenty-eighth day of July, and thirtieth day of the said month of July, one thousand six hundred and sixty-four, and one thousand six hundred and sixty-nine, in favour, and for this our new infeftment thereof, to be given . . . to the said Sir John Forbes of Wattertoune and his foresaids, for himself and as assignee constituted to the letters of procuratory and of resignation, and instrument of resignation following thereon, made by the saids John Kenedyes, elder and younger, in favour of the said John Moir and his assignees, on the said twenty-eighth day of July, one thousand six hundred and sixty-four, to which the said Sir John Forbes, on the seventeenth day of June last by past, was assigned, as the authentic instruments taken thereupon in the hands of Mr William Thomsone and John M'Farlane, notaries public, respectively, at more length bear; And also we have given . . . and . . . perpetually confirmed to the foresaid Sir John Forbes, his heirs male and assignees foresaid, heritably and irredeemably, all and whole the lands of Knapperna, with the domini-

cal lands thereof, manor-place, houses, buildings, gardens, orchards, tofts crofts, parts, pendicles and pertinents of the same, with the Mill of Knapperna, mill lands thereof, and astrict multures and knaveships thereof, and of the lands of Cothiemure; likewise all and whole the lands of Woodland, the lands of Tullimad, with the sunny and shady halves thereof, with the houses, buildings, gardens, orchards . . . and pertinents thereof, all lying within our sheriffdom of Aberdeen foresaid, and also all and whole the lands of Mostoune, with the houses, buildings, parts, pendicles, tenants, tenandries, services of free tenants, multures, sequels, and all the pertinents thereof, lying within the parish of Logie Buchan . . . Which lands immediately above written with the pertinents formerly pertained heritably to Mr William Moir advocate and John Bannerman of Mostoune, respectively, and which were . . . resigned by them and their lawful procurators, in their names . . . in the hands of the saids Lords, our Commissioners above mentioned, of our Exchequer at Edinburgh, the day of the month of in favor, and for this our new infeftment of the same to be given . . . to the said Sir John Forbes, and his foresaids, in as due and competent form as accords . . . and, also, we have given . . . and for ever confirmed to the foresaid Sir John Forbes of Wattertoune, and his foresaids, heritably and irredeemably, all and whole the salmon fishing upon the water of Ythan, as well in the Cruives, as by coble line and net, without diminution, or beyond the grant of other fishings thereof, lying within the bounds underwritten —viz., beginning at the Maucher Fuird of the said water, and ascending the same to the Seggiefurd of Fyvie, with . . . the privileges . . . and pertinents whatsoever of the said fishing, with free ingress and egress, lying within the barony of Ogilvie by annexation, and our sheriffdom of Aberdeen above written; likewise those four rigs of land, called Patton's Rigs, lying within the territory of Ellon, and . . . the teinds . . . along with the advocation, donation, and right of patronage of the said Parish Church and Parish of Ellon, rectory and vicarage . . . and likewise, all and whole the towns and lands of Craig of Eithine, and croft thereof called Crawhill, the towns and lands of Over and Nether Ardmores, with . . . their houses and buildings, gardens, tofts, crofts, moors marshes . . . and pertinents . . . with . . . the teind sheaves and other teinds, as well great as small, rectorial and vicarage,

of all the said towns, lands, and others above written, with the pertinents, . . . lying within the barony of Allithin formerly within the parish of Ellon, and now by annexation within the parish of Udney . . . (excepting, however, the astrict multures and knaveships of the saids lands and others above written, due and astricted to the mills of Torrie and Allathine . . . according to use and wont) and likewise, all and whole the south part, belonging to the Laird of Pitmedden, of his town and lands of Logieruiff, with the lands of Millfield and Orchardtoune, and those six rigs of the Bearhill of Orchardtoune, along with the Mill of Logieriuff, otherwise called the Orchardtoune Mill, mill lands, sucken, sequels, and knaveships thereof—viz., all the multures of the saids lands of Logieruiff, and Orchardtoune and others used and wont, along with the teinds, as well parsonage as vicarage . . . with . . . the manor places, houses, buildings, gardens, tofts, crofts, outsetts, insetts, moors, marshes, commonty, common pasture . . . and pertinents, tenants, tenandries, services of free tenants of the same . . . lying in the said barony of Alithine, parish of Ellon, and within our sheriffdom foresaid (reserving, however, to the heritable proprietors tenants and possessors of the mains and manor place of Pitmedden, the towns and lands of Torrie, mills, and mill lands thereof, the towns and lands of Craig of Alithine, and Ardmore . . . full liberty, tolerance, and licence of building, winning, digging, transporting and carrying away peats and fuel, for their own use, within the marshes or mosses of Logieriuff in all time coming). Which lands, teinds, fishings, patronage, and others immediately above written, with the pertinents, formerly pertained heritably to the said Sir John Forbes of Wattertoune, and were at Edinburgh, the said thirtieth day of July, last bypast, duly and lawfully resigned by him and his lawful procurators in his name . . . in the hands of the saids Lords our Commissioners foresaid of our Exchequer, in favour of, and for this our new infeftment to be given . . . to the said Sir John Forbes, his heirs male and assignees foresaid, heritably and irredeemably, in as due and competent form, as accords, as the authentic instruments taken thereupon in the hands of the said John M'Farlane, notary public, at more length bear . . . And farther, we have dissolved . . . all and whole the foresaids lands, fishings, teinds, mills, right of patronage, and others above written, from all baronies and others, to which the same or any part of the same were formerly annexed,

and we have of new united . . . and incorporated the same, with all their pertinents, into one whole and free barony, to be called . . . the barony of Ardgrane, ordaining the tower fortalice and manor place of Bromfield to be the principal messuage of the said barony . . . To be held and possessed . . . to the foresaid Sir John Forbes, his heirs male and assignees foresaid, heritably and irredeemably, of us, and our successors, as superiors of the same, in free barony, fee and heritage for ever . . . Rendering yearly to us and our . . . successors the rights and services used and wont due to us and our predecessors before the said resignation only . . .

[*The Charter following upon this Precept is dated 4th August* 1669.]

Rentall of the Lands of Knappernay and others contained in the Minute betwixt Tolquhon and Wattertoune, as the samen rentall was payable at Witsonday, M VI c seventy-four yeires, beingthe terme of Tolquhone's entry, and quherwith Tolquhon is to be charged in his accompts with Wattertoune:—

	Meal.			Bear.			Wedders.	Lambs.	Capons.	Poultry.	Geese.	Swyne.	Leat of Peats.	Money.		
	B.	F.	P.	B.	F.	P.								£	s.	d.
Mains of Knappernay with the park, enclosures, croft, and others, and manor place, yards, and orchards, set by umquhil Sir John Forbes to Thomas Gordon, conform to an assedation, dated the 13th May, 1673, pays yearly 28 bolls farm meal, more three bolls for mill multures, 8 bolls 2 firlots bear, ane hundred pounds money, 2 wedders, 2 lambs, 1 dozen hens, 1 dozen capones, 4 geese, 8 merks for vicarrage, 1 leit of peats	31	0	0	8	2	0	2	2	1 doz.	1 doz.	4	0	1	105	6	8
Neather Tillimade, set by the said Sir John Forbes to Robert Clark, for five years aifter Witsunday, 1668, conform to ane assedation, dated the 11 March, 1668, pays yearly 26 bolls ferme meal, eleven bolls ferme bear, ane hundredth twelve pownds ten shillings money, 1 dozen hens, 1 capons, ane wedder, ane lamb, eight merks for vicarrage, one leit peats	26	0	0	11	0	0	1	1	1 doz.	1 doz.	0	0	1	117	16	8
Over Tillimade, pays alike with Nether Tillymade in everything except forty merks less, which is paid be the tenant of the croft of Denend, so that the yearly dnetis of Over Tillimade is twenty-six bolls ferme meal, eleven bolls ferme bear, ane hundredth twenty-eight merks, ten shillings money, ane wedder, ane lamb, one doz. hens, one doz. capons, eight merks for viccarrage, ane leit of peats	26	0	0	11	0	0	1	1	1 doz.	1 doz.	0	0	1	91	3	4
The croft of Denend pays yearly four score merks	0	0	0	0	0	0	0	0	0	1 doz.	0	0	0	53	6	8
The Sunsyde of Woodland pays yearly twenty bolls ferme meal, four bolls ferme bear, ane hundredth pounds money, two wedders, two lambs, 1 dozen hens, 1 dozen capons, 3 geese, ten pounds of service silver, eight merks for viccarrage	20	0	0	4	0	0	2	2	1 doz.	1 doz.	3	0	1	115	6	8
The shadow side of Woodland pays alike with the Sunside in everything	20	0	0	4	0	0	2	2	1 doz.	1 doz.	3	0	1	115	6	8
The Mill of Knappernay and mill lands yearly, sixteen bolls ferme meal, four score pounds money, ane mill swine, ane dozen of capons, and a dozen hens	16	0	0	0	0	0	0	0	1 doz.	1 doz.	0	1	0	80	0	0
Corthiemnir, yearly twenty-two bolls meal, four bolls bear, ane hundredth merks money, two wedders, two lambs, one dozen hens, one dozen capons, eight merks for viccarrage, ane leit peats	22	0	0	4	0	0	2	2	1 doz.	1 doz.	0	0	1	72	0	0
Summa Totalis	161	0	0	42	2	0	10	10	7 doz.	8 doz.	10	1	6	750	6	8

Sua, the haill yearly reut of the foresaids lands is twelve chalders, and eleven bolls victual, 2 firlots; and compting the prices of the customs as follows, according to the prices that was received by Tolquhon from the tenants—viz., four merk for ilk wedder, ane merk for ilk lamb, ten shillings for ilk goose, four pounds for ilk dozen of capons, forty shillings for ilk dozen of hens, four pounds for ilk leit of peats, and ten merks for the mill swyne, and four pounds for a stone of tallow, extends to eight hundredth sixty-seven pounds six shillings eight pennies Scots: and so the hail rent, compting the chalder of victual and hundredth merks rent alike, extends to two thousand five hundredth, seventy-two merks, eleven shillings, Scots money.

Merks	s.	d.
2572	11	0

Letter [1676].

Carruthers, 6th October, '76.

Sir,

Yours I recevit concerning ane evident off the Laird off Wattertoun. I have indeed the deceased Laird of Wattertoun's gift of ward and marriage, which I shall look out and send with a sure bearer, expecting uppon deliverie of the same my missive and a receipt together with these presents, because it is relating to the particular. I wish I could doe better service to any representing that gentleman, nor I vill express at [this] time, for his true kindness to me. I shall ad no mor at present. Wishing the Ladie Watertoune and her children all health and happiness, and resting,

Sir,

Your loving friend,

A. Meldrum.

[Indorsed,]

Hatton's Letter, anent the gift of uncquhill Watertounes Ward and Marriage.

[Addressed,]

These for his assured James Cummine in Ellon.

Oath anent the Test [1685].

I, Thomas Forbes of Wattertoune, solemnly sweer, in presence of the Eternall God, whom I invocat as Judge and Witnes of my sincere intentione of this my oath, that I owne and sincerelie profess the true Protestant Religion contenit in the Confessione of Faith recorded in the first parliament of King James the Sixth, and that I beleeve the same to be founded on and agrieable to the written worde of God, and I promes and swear that I shall

adhaire thereto, during all the dayes of my lyftyme, and shall endeavoure to educat my children therein, and shall not consente to any change or alteratione contraerie thereto, and that I disowne and renunce all suche principls, doctrins, or practises, whither popish or phanaticall, quhich are contrarie unto, and inconsistant with the said Protestant religione and Confessione of Faith; and for testification of my obedience to my most gracious soveragne, James the Sevent, I doe affirme and sweer, by this my solemn oath, that the King's Majestie is the onlie supream governoure of this realme over all persones and in all causses, alseweill eclesiasticall as civell, and that no forragn prince, persone, pope, prelate, state or potentate, haith, or ought to have any jurisdiction, power, superiority, prehemencie or authoritie ecclesiasticall or civell, within this realme, and therefore I do uterlie renunce and forsaike all foragn jurisdictions, powers, superiorities and authorities, and do promes that from henceforth I shall bear faith to His Majestye His Hienes and lawfull successores, and to my power shall assist and defend all rights, jurisdictions, prerogatives, priveledges, prehemenances, and authorities belonging to the King's Majestie, his aires, and lawfull successors; and I farder affirme and swear be this my solemn oath, that I judge it wnlawfull for subjects upon the pretence of reformation, or any uther pretence quhatsomever, to enter into covenants or legues, or to convocat, conveen, or assemble in any counsells, conventions, or assemblies, to treat, consult, or determine in any matter of state, civill or eclesiastick, without His Majesty's special command, or express licence hade thereto, or to take up armes against the King or those commissionat by him, and that I shall never so ryse in armes, nor enter in covinant or assemblies, and that there lyes no obligation from the Nationall Covinant, or the Solemne Legue and Covinant (so commonly called) or any other maner of way whatsomever, to endevoure any change or alteration on the government, either in church or state, as it is nowe established by the lawes of this kingdom; and I promes and swear that I shall with my outmost power defend, assist, and menteane His Majestie's jurisdiction foresaid against all deadlie, and I shall never declyne, His Majesty's jurisdiction and power as I shall answare to God; and finallie I affirme and sweare that this my solemne oathe is given in the plaine genuine sence and meaneing of the words without any equivocatione, mentall reservatione, or any other manner of evasion whatsomever, and that

I shall not except or use any dispensatione from anie creature quhatsomeever—So help me God.

Thomas Forbes.

25 April, 1685. In presence of Andrew Thomsone, shireff deput of Aberdeine.

Compearit Thomas Forbes of Wattertoune, and did tak the oathe anent the test abone written, and as beeing air servit and retoured to the deceast Sir John Forbes of Wattertoune his father, and to the deceased Thomas Forbes of Wattertoune his goodsir, protestit, that he, as aire to them, might have the benefite of the commissions granted be the King and Estates of Parliament in favoures of his said deceased father and grandfather, ther airs and successores, as Justices in that pairt for the water of Ythan, in maner mentionat in the said commissicnes. As also the said Thomas Forbes took the oaths of alledgeance and supremacie, and the oath *de fideli*. Upon which premisses the said Thomas Forbes took instrument.

Andrew Thomsone, Shireff Deput.
Gil. Beidie, Cl. Deput.

Certificate by the Presbytery of Ellon [1685.]

WEE, under subscrybers, the Moderator and the remanent bretheren of the Presbytrie of Ellone, doe hereby declare that wheras by warrant from our ordinary the lord Bishop of Aberdein, the heretors of the Parish of Ellone were stented by us in a certain soume of money, for reparation of the church and church-yard dykes of the said parish, and their severall proportions of the said soume therein specified, quhich stent roll is of the date at Ellone, the sixt of November, M VI ^{o} eighty-four, and now, wheras Thomas Forbes of Wattertown does alleadge himselfe to be prejudged by the said stent, in respect that his fishing upon the water of Ythen is affected

by the said stent, quhich he pretendeth not to be lyable in cases of that nature; therefore, it is hereby declared that the said Thomas Forbes, his paying of the said stent, in so farr as concerns his said fishing, shall be no preparative for future stents by us in such cases, further then law will. Witnes thir presents written by Master Alexander Clark, minister of Methlic, and subscribed with our hands at Ellone, the seventene day of June, M VI^{c} eighty-fyve yeirs.

M. A. Clark.
W. Stewarte.
Al. Milne.

Jo. Rose, D.D. Moderator.
Mr Gorg. Anderson.
W. Fraser.
M. Jo. Barclay.

Letter [1689.]

Sir,

I hawe yours off the 30th past by this bearer, and am satisfied with the tyme you appoynt for solemnizeing your marriadge, and sall studie to be readines, to waitt upone you heir one Thursday come eight dayes, the 17th instant and will expect you by two or thrie a'clock in the afternoone. Bring sutch companie withe you as ye think fitt. I sall make them welcome. I hawe wreatten a lyne to Captaine Basken as you desyre, and ane other to Barrah, which are open till you seall them. Make use off ether or non off them as ye please. Its requisite you bring a certificate with you off your proclamationes att Ellone. I intend you salbe proclamed att Pittenweim the morrowe, and twyse nixt Lords day, and that the minister off that place sall marrie you. I purpose to bring none heir, except my sone and my brother. I think it fitt you wreat to Bailzie Chancellar and your sister to come as I intend to doe. My wyff expects you will not take Bettie from her this winter, but more off this att meitteing,

which I pray God may be happie to us all, and that he may give his blisseing one the purpose. I continowe

Sir,

Your affectionat friend and servant,

Geo. Nicolson.

Balcaskie, 5th October, 1689.

Iff you have alreadie spoke to Captain Basken its weill. Send him the inclosed and bring him with you. Iff not, iff you pleas forbear it, for a reasone I sall tell you att meetinge.

[Indorsed,]

Sir Geo. Nicholson, Bt., fixing the marriage of Thos. Forbes, and E. Nicholson, 1689.

Letter [1713.]

Slains, Janr. 12, 1713.

Sir,

When I spoke to William Ogilvie concerning the money I haue been too long due to my lady Dunkelden, he told me he had concerted the doing of it with you before, which I was very well pleased to hear, for I haue often been very much vexed to think that so small a thing should haue been so long delayed wher I had so much a mind, both by friendship and justice, to perform every thing that might shew my good will to my lady. But for a long time I had ground to believe it was done, and was very sorry when I found it was not so, but I'm hopfull my lady will easily be convinced that it was always some accident or misstake that occasioned it and nothing of design. I give ane offer of my humble service to your lady and I hope when you return to this country I shall haue the happiness of seeing you both at this place, wher you shall allwayes be most heartly welcome to

Sir

Your humble servant

Anne Erroll.

To the Laird of Watertoun.

Conditions of Farming Lands in Ardgrane.

The 20th day of December, 1714

The constitution and conditions for setting outfield land for teine and third.

1st. What is either fathed in fold or ward pays the half of the growth for the first two years, and only teine and third all the rest of the years it can bear good corns, and any shall well guide or bring in any part thereof that lyes near them shall only pay teine and third for ever.

2d. The falds or wards are not to be sown the fourth crops, but the possessors are to have the grass of the same the beginning of the year, provided they have the land kinded oute in June, or at farthest, before the eighth day of July.

3d. They are to sow good seed, as strong as the ground will bear, which they must shew to the grieve officer or bailey.

4th. They are to be liable to the mill for what growth is out on the rent, and to the officer and other servants, according to their possessions.

5th. They are liable to leid their rent to the corn yard after the same is drawn.

6th. For encouragement they are to have in loan what seed they have use for, for repayment of the same of quality and quantity the next year, and if they please to farm the straw yearly of the half of it, they shall have it att ane mark the ball strand and the threshing.

7th. All are welcome to take within or without the ground, whose takes are to be burdent with the conditions above written, and if they take any lay grounds to sagh, they are to have oxen, with a plowman, for which they are only liable to afford a man to make up the plowmans work, so long as they are in their service, at any time after close of beer seed.

Pass [1715.]

Permit the bearer, James M'Gie, with John Urquhart and Andrew Gray, and four horses with their arms, to pass from this to Waterton with-

out any trouble or molestation, they allwise behaving themselves as becometh, for quhich this shall be your warrant.

Given at the camp at Perth, this twenty-fourth day of November, 1715 years.

Marischall.

To all concerned, both civil and military.

Letter of Lord Dunkeld [1724.]

Dear Uncle,

I am extremely obliged to you for your kindness on every occasion. You give me so many marks of your friendship that I have reason to be convinced of the heartiness of it, but the more I feel the offers of your sincere friendship, I am so much more sensible of the hard heartedness of the rest of my relations, for though you have had the goodness to send me twenty pounds, they have not been so kind as to send me any more than ten pounds, nor been so civil as write to me in answer to what I have writ, tho' tis two years since my grandmother promised to send me some money. Tis hard she has not regard to my circumstances, being obliged to spend more than I care to do, staying at the Court, which I must do for some time, till I end my affairs, which I have great reason to expect shall be very soon, if I be not obliged to desist solliciting and abandon it, for want of wherewith to maintain myself there. You see, Sir, the pressing occasion I have for money, so the ready supply you are so kind as to promise me will be very seasonable. Therefore, I need not intreat you'll hasten it as much as possible. The first money I ask of my relations shall be to bear my charges in coming tohave the pleasure to see my grandmother and you, and my other relations. I hope after I have once seen my grandmother, she'll have more regard for me. Meantime I hope you and my dear aunt will be persuaded of

the grateful sense I have of your friendships, and that I still am with entire affection and respect,

Dear Uncle,

Your dutifull nephew,
Dunkeld.

Paris, 30th August, 1724.

[Indorsed.]
For Thos. Forbes of Watertoun, Esquire,
To the care of Mr Robert Arbuthnot.

Letter [1739.]

My Dear Aunt,

Ever since I left Scotland I have been allwayes mighty desirous of finding an opportunity for writting to you. Mr Tyrie, my frind, wich is going to the North, is so good as to charge himself with this line. I hope he will find you in good health, and all your dear famelie. I never failed to inquire from all the feu frinds I have seen of your welfare, for I can assure you, Dear Aunt, neither distance of place nor time will ever wear out of my heart all your goodness to me willst I had the pleasure of been with you. I dont dout but that you know the state of life I maked choice of, in wich I am very happy, been settled according to my desires and inclinations, been free from all the troubles of the world, haveing no other care but that of working out salvation. I dont fail in my solitude praying for your good health and prosperity, specially for spiritual, wishing you as to my own self the happiness of been in the true church, out of wich there is no salvation to be expected. This is what I ask daily to God Almighty, for you and all frinds and relations. I desire you be so good as to remember me frindly to cusen Thomy, the young Laird of Wattertoun, and dear Mary, without forgetting Cusen Jeanny, tho' I had not the good luke to see her when I was in Scotland. I am told she is well married again, wich I am glad of. I dont forget either dear Lady Fechall, to whom I gave my kind sarvice, and to her good daughter Jeanny Gordon, and to all friends that remember me. I beg the favour of you, Dear Aunt, to let me hear from you. Be persuaded,

you cannot do me greater pleasure, been with sincere love and all respect,

My Dearest Aunt,

Your most affectionate nice and humble servant,

Mary Galloway of Dunkeld.

Paris, 20th March, 1739.

My brother offers you his most humble duty and kind sarvice to all our cusens.

Order for Forage [1746.]

Aberdeen, March 4, 1746.

These are intimating that the proportion of straw and oats ordered to be brought to Aberdeen by appointment of the Justices of Peace, for the use of His Majesty's army, forth of the lands of Watertown within the parish of Ellon, amounts to 390 stones of straw, and 6 boles, and 2 firlots of oats, which the heretors and tenants of said lands are hereby ordered to bring into Aberdeen upon the 5th and 6th instant, as they shall answer at their highest peril; for all which due payment will be given to the owners at the rate of 2d the stone of oat straw, and 10s. sterling for the boll of oats. Given under the hand of me, George Turner, clerk to the said Justices of Peace by their order,

George Turner.

Letter [1748.]

Osterhout, 20th October, 1748.

Dear Sir,

In my last, of the 13th inst., I acquainted you of your son his indisposition. I'm now heartily sorry to be obliged to give you the malin-

colly account of his death, which was on the 14th, at six in the evening, after having lingar'd forty-two days in ane intermiting fever. Ane English parson atended him by his own dasier, so long as it pleased God to spair him in live, and then at the interment I order'd the parson to performe the service of the dead over his corpes in the church of this place where he was inter'd, and much regraited by on and all of ous, and not without reason, as he was a worthy young man, [of] honurable principles, and a brave officier. I condoul you and his poor mother for the loss of such a worthy son, and give you boath his blessing, and comfort you with your remaining children. As this is but a dismall subject I shall dwell no longer on it. I make offer of my humble respects, tho unaquented, to your lady and family, remaining in sincerity,

Sir,

Your most obedient and humble servant,

Jas. Dundas.

P.S. There was two fisitions and a surgeon atended your son. Doctor Clephan, our countryman, will take nothing, but that is a civility you ought not to forgatt. I think you should, notwithstanding his genrosity, send him a present, if it were but a dozine of fine Aberdeen pairs of stockings; his leag is thick and well mead, a middle-siezed man. Doctor Barker he will take money; I intend to give him ten duckats, it is near five guines; to the surgeon, about two guines. In shorte euere thing shall be don with economy to evite extravagance or scrubness. I shall make a draught on you emediatly for two hundred and sixty guilders, Holland money, which I think will defray the expence of all; if more or less it will be found betwixt ous. Afterwards I shall send you ane account of the particulars. Lt. George Forbes shall be witness to my doings. The cloaths and other things is in my custody untill your orders.

My address.—To Major Dundas of Generall Halket's Regiment,
At Osterhout, near Breda.

Letter [1750.]

Dear Sir,

As I intend to kill some of your partridges this season, I've use the freedom to recommend a gun to your care, which you'll oblige me by keeping in use in my absence, as I have others for the sport here, and I am,

Dear Sir,

Your most obedient and humble servant,
John Forbes Leith.

Whitehaugh, June 30th, 1750.

[Indorsed,]
To Thos. Forbes of Watertown, Esq.

Letter [1753.]

Dear Sir,

I think myself bound to acquaint you in a particular manner that it pleased God to remove my father from time to eternity, on Saturday the 10th of March last. My being from home when he died gave me a good deal of uneasiness, and my being very much hurried since I came home hindred me from doing my duty sooner in acquainting you with this event. I shall be glad to know that Lady Watertoun, you, Mrs Mary, and your agreeable family are in good health. I frequently correspond with Mr Forbes att London. Peggie joins me in offering Lady Watertoun and you with Mrs Mary our respectful compliments. Affectionate service to the young ladies and Walter. I am,

Dear Sir,

Your faithful humble servant,
Ad. Gordon.

Ardoch, 6th Aprile, 1753.

Excerpt from Andrew Picken's Traditionary Stories of old Families.

The character of one of the Forbeses of Waterton, besides another Forbes that for his virtues was called "honest John of Newe," forms a pleasing contrast to that of a former laird of Newe, and illustrates the fact, that benevolence and sympathy were frequently exercised in the olden times, though we hear so much of savage deeds and irrational barbarity. Waterton, like other feudal lairds, having the power of pit and gallows on his land, had at one time sentenced a man to be hanged for stealing his sheep. After keeping the poor man in confinement for some time, he thought he had punished him sufficiently, and determined to let him go. When the dool-dealer or hangman got this order from the laird, he went to the place of the man's confinement, and told him that the gude laird, instead of hanging him as he deserved, had sent him a pardon, and so he might go about his business. The man, however, found his quarters so good, and his meat and drink so sure, that he refused to go, and made answer that if the laird would only not hang him, he was quite well where he was. When "the man of the woodie" brought back this word to Waterton, he was puzzled for a time what to do. At length he said; "If the puir thief winna gang hame, just set the door open and let him come and gae as he likes." This benevolent arrangement of the worthy laird is still commemorated by a proverb well known in Aberdeenshire—"Ye may just go out and in when ye please, like Waterton's prisoner."

RELATING TO THE FAMILY OF KENNEDY OF CARMUCKS.

Testimonie of the Parochiners and nichtbouring Persouns.

At ane thousand sex hundredth and fiftie two yeares.

Forasmuch as we, under subscryweris, heritouris, wadsetteris, and utheris gentillmen, dualling neir to the toune of Ellon in Buchane, are given to understand that Johne Kennedie of Carmuckis is about the draweing of a deip ditch through the midst of that commone highway whereby we hawe bein in use to pass from our duallingis to the commone publict marcatis yearlie holden in the said toune past memorie of man, and frome thence to the brugh and port of Aberdein, as ordinarie and pathed highway, with such goodis as we or our tennintis had necessarlie to transport to or from the said toune of Elloun, and frie brughe of Aberdein, as alsoutheris our nightbouris of the said paroch, and dualling on the utheris sydis of the said toune of Elloune, uppon ther necessar occasiounes had to passe uppon the said high way to us wardis, and we tovardis theme, wherthrowe we conceawe iff the said Johne Kennedie sal be permitted to cast up the said ditch through the said commone highway, as he intendis, at his owin hand, that we our serventis and goodis uppon occasionis may be much damnified stopped and hindered in our peacabill possessioune of the said highway and passage to the kirk of Elloune, to the publict fairis theroff, and to the brughe of Aberdein, alsweill as the Laird of Wattertoune who, wppon this lyk sence

theroff, intendis (as lying more neir to the said toune of Ellonne) to mak civill interruptionne for stopping and hyndering the casting of the said ditch. Therfor we, under subscryveris, for ourselffis, serventis, and tennentis, doe heirby declair our dis-assent to the casting and braking up of the said highway be the said John Kennedie in maner above exprest, and therfor give power to the said Thomas Forbes of Wattertoune, for us and in our names, to protest and mak civill interruptionne for stoping the casting of the said ditch through the said highway, alsweill for our interest, at whatsoever tyme he sall think expedient to doe the samen, as for himselff for shuning the inconvenience that may followe therewppon . . . and generallie all . . . other thingis to doe annent the premises which are incumbent to a procuratour to doe in such caissis . . . In witnes quheroff we have signed thir presentis with our handis, day, yeir, and place abowe writen.

S. Geo. Gordone off Gycht.
J. Gordonne, brother to Gycht.
M. J. Buchane of Achmacoy.
Al. Buchane, younger of Auchmacoy.
M. J. Alexander, portioner of the Wodset of Artrochie.
J. Gordone off Fechill.
John Donaldsoune of Hiltoune.
Jo. Sibbald.
James Leslie of Chappeltoune.
J. Maitland, Auchincreiwe.
Wm. Innes of Tibbertie.
J. Buchane.
R. Maitland.
James Gordonne.
Mr. Jo. Sleich.
J. Shand.
James Reith.
Mr. Thomas Thores of Aquhorthies.
J. Setone of Pitmedden.
W. Thoires, younger.
George Settone.
James Johnstoune.
Cap. Arther Forbes.
Alexr. Johnstoune of Overtoune.
Williame Seatoune of Mines.
J. Gordone, chalmerlane of Haddo.
Mr. Wa. Seatonne of Raniston.
Captane George Pantoune.
Williame Setoune.
Arthour Forbes in Kinknokie.
George Turing of Fovran.
Johne Forbes in Belmakessy.
William Forbes of Cragie.
Rot. Forbes of Cragie.
Piter Gordonne in toune.

Order for examination of Witnesses.

xxiiiith day of February, 1651-(2).

By the Commissioners of the Parliament of the Commonwealth of England for ordring and managing affairs in Scotland.

Upon consideration had of the petition of Andrew Gilmoire in behalfe of the wife and children of Thomas Forbes of Watertoune, it is this day ordered, and the same is referred wnto Lieutenant-Collonel Symons and Major Dorny, or either of them, to call before them partys concerned on both sydes with ther wittnesses, and examine ther wittnesses upon oath, and with all convenient speed certifie matter of fact upon the wholl unto us.

Signed by order off the Commissioners.
Clement Bekey, Secy.

Information be Mr Andrew Gilmour, in name of Thomas Forbess of Watertoun, against John Kenedie of Carmucks, committed to firmance be the Right Honorabill Judge-Advocat (1652.)

In the beginning of Februar last, the said John Kenedie did beginn to cast a great ditch wpon the ground of his own lands, thorow the publict way, be which the said Thomas Forbess of Waterton, his tenants, servants, and countrie people in these places, wer alwayes in use to pass to the church of Ellain and toun of Aberdein; be which act they did receave extreame

prejudice, and to testfie their dislyke of casting the said ditch they did subscryve their dissent in writt. Quherwpon the said John Kenedie and Thomas Forbess did submitt the business to two friends named for each pairtie, agreeing that no furder sould be wrought therein wntill the saids friends sould determyne theiranent. Notwithstanding his said promise, wpon the 13 day of Februar, the said John Kenedie, his son, friends, and servants, arm'd with suords and gunns, came to work the said ditch. Quherof Waterton being informed arose from his diner to hinder and make civill interruption of any furder working of the said ditch. And being on the fields efter words passed among them, the said Laird of Carmucks, with his son and other assistants, did wound the said Thomas Forbes dangerouslie on the head; Alexander Bruce, shireff-clerk of Bamff, on the head and left arme, whereof he is mutilat; George Spence, Waterton's servant, with a shott in the bodie, as is thought deadlie, whereof, in all probabilitie, he cannot recover. After which the said Lairds of Carmucks, elder and yonger, with their complices, fled, and now this 5 of Marche, the said John Kenedie haveing bein publicklie walking on the Hie Street of Edinburghe, wes seazed wpon and committed to safe custodie be Your Honouris' order, for the foresaid crymes and ryot.

Testificat by Mr. Andrew Cant and Mr. John Paterson concerning Wattertoune's bairnes [1652.]

We, Mr. Andrew Cant, minister in Aberdein, and Mr. John Paterson, minister at Ellon, doe be these presents testifie and declare that Thomas Forbes of Watertoun (being perfect and cleare in memorie and judgement, but so infirme and sick of bodie that he could not subscryve) did nominat and appoynt Alexander Frazer of Philorth, John Udny of that ilk, Sir John Gildmour, advocat, and Jeane Ramsey, his vell beloved spouse, to be friends and directors of the said Thomas Forbes his childrein, and managment of

ther affairs, wntill such tyme as they should be able to act for themselves In witnese heiroff we have set our hands heirto at Aberdein, the tenth day of June, 1652 yeares.

Mr. Andrew Cant.
M. J. Patersone.

Report of Physitians and Surgeon [1652.]

Wee, Phisitians and Surgeon under subscryvers, doe by these presents testefie and declare upon knowledge and conscience, that Thomas Forbes of Watertoune (being wounded in the head about the midst of February last and now lately dead) his body was dissected and visited by us in presence of famous witnesses after designed, where it was evidently found that the wound did penetrat his scull and membranes of the braine. In the substance whereof under the wound, was found ane abscesse with a great quantity of very purulent matter, as also the left syde of his braines was altered and changed from its naturall colour and full of a great quantity of water, both in the ventriculs and substance of the braines which were the speciall causes of his palsey convulsions and death. This operation was made by us in presence of George Cullen, one of the present bailies of Aberdene, Johne Jaffray and Patrick Moir, late bailies thereof, and Mr. Johne Campbell, sherif-clerk of the sherifdome of Aberdene, with diverse others. In witnes whereof we, the saids phisitians and surgeon, as also the sayds witnesses, have signed these presents with our hands at Aberdene, the twelt day of Junii, one thousand six hundredand fiftie-two yeares.

Geo. Cullen.
J. Jaffray.
Patrik Moir.
Mr. J. Campbell.
D. P. Dune.
A. Mure, M.D.
Hew M'Ghie, chirurgion.
J. Leslie.

Informatione for the Relict and Children of the deceased Thomas Forbes of Wattertoune, the Father and Mother of the deceased George Spence, his servant, and Alexander Bruce, late Shirreff-Clerk of Banff [1652.]

May it pleas Your Honouris be informed that thair is ane hie mercat way which leades from the house of Wattertoune to the churche and toun of Ellone, of which toun the most pairt perteines to the deceised Thomas Forbes, and the landis on both sydes of the way to him and Carmuckes in rin rig. A litle be north the hie way, Kermuckes hes ane considerable pooll, which intending to dry, he would neides draw ane deip ditch theirfra, throw the hie way towardes the river of Ythane on the south, which ditche could be of no les deipnes then 14 futtes whair the way was to be broken, and which he wes desyred to draw another moir convenient and lawfull wey then by breaking illegallie the hie wey, but would not. And the said Thomas, considering that it was against the law and much preiudiciall to him, his family and tennents, and to the wholl country, if the comoun passage sould be thus violat, he desyred Mr Johnn Patersone, minister of the paroche, to deall with Kermuckes to desist from his unlaufull purpose, who haveing refuised this just desyre, Mr. Johnn did convein the Lairdes of Foverane and Udny to treat upoun the bussines, who moved the pairties to accord that the matter sould be referred to friendes, and in the meane tyme the work to desist. Bot this comouning haueing taken no effect by the fact of Kermuckes younger, Wattertoune did thane apply himselff to lawieris, whose counsall was that, according to law and custome of the natione, he sould first use civill interruptione be way of instrument, and if he would not forbear, then *via facti* to have some persones readie with shooles and spades to cast in what sould be digged furth at thair approche to the hie way.

Now, at this tyme, thair bieing no judicatories, Wattertoune caused supplicatt he Commissioneris at Dalkeith, that some might be deputed to examine the bussines, bot befor the comissione could be exped and sent North, that bloodie act was committed. Upoun the 12 of Februarii, Watter-

toune did in a most sober way by a nottar and witnesses, wse civill interruptione, intending to bring his people with spades and shoules, the tyme of thair approche to the way, [and] the said Mr. Johne Patersone did of new mediat and gat assurance from Kermuckes, his lady and sone, that thair sould be no farther working, which he did signifie to Wattertoune, whairwith he was well satisfied.

Contrair to which assurance, he and his sone did convein thair servantes and tenentis with some ydle persones, who hade bein souldieris, all in armes, himselff with ane prodigous great tuo-handed suord, whairof Wattertoune haueing notice and bieing amazed, his domestickes and he ran furth in a confused way of purpos only to mak civill interruption, and before he could come to the place his servante was wounded and schott with a pistoll ball, whairof he died, by Kermuckes pairtie, and Alexander Bruce cut throughe the arme and maymed with a tuo-handed suord, and efter Wattertoune came to the grund Kermuckes did, with that same suord, most barbarously wound him over the head, throughe the scull and mininges, by which instantly he lost the power of his wholl left syde, and thairefter died upoune the 11th of June.

Alexander Forbes bieing sent south to challenge Kermuckes elder, who was then fled to Edinbrugh, the Judge-Advocat efter hearing of both pairties, did comitt Kermuckes to prisone, from which (bieing conscious of his guylt) he made escaip, as is knowen to Your Honouris.

And for these crymes he, his sone, and thair complices, by Your Honouri warrand, war all charged to find cautione to underly the law this 15 of October, and most pairt of thame are denunced rebellis for not setting cautione.

Now it is to be the humble desyre of the compleineris that Your Honouris may be pleased to considder of the sadnes of thair conditione, and that this crying sinne of blood may be punished according to the lawes of the natione, and sieing Your Honouris haue all such power as aither Justice Generall or Privie Counsall haid in former tymes, and that Kermuckes elder and younger, principall actouris by appeirance, will not appeir to underly the law by ane assyse, that, nevertheles, Your Honouris may be pleased to examine the witnesses against thame upoun the maymeing of the said Alexander Bruce, whose left arme is altogether useles and without recoverie, and whairof he was forced to keip bed and chalmer abone the

space of six moneths, at great charges of physicianes and chirurgianes, besides the loss of tyme and his calling, ane other bieing appoynted schirreff-clerk of Bamff in his place. And altho' by the rigour of law maymeing and mutilatione be capitall, yet, sieing capitall punishment hes not bien in use to be inflicted for that cryme, his desyre is only that Your Honouris may be pleased that Kermuckes elder and younger be fyned, and that they be decerned in such a soume to be payed to him in recompence of his loss as Your Honouris shall think fitting.

And as for the murther of Wattertoune and his servante, the compleineris interested ar to desyre only at this tyme the ordinary course of justice againes thoise who compeires not, without relatione to any fyne, unles Your Honouris will be pleased to considder what may be done in behalf of the comounwealth, for Kermuckes his break of prisone.

It is also humblie to be desyred that such witnesses as shall appeir thair depositiones may be fullie sett doun in wrett and signed, *ad futuram rei memoriam*, that if any of thame should die, ther depositiones may be made use of agains the fugitives whane they shall be apprehended.

And becaus Alexander Forbes hes bein keiped up prisoner neir thes 8th monethes, upoun ane fals informatione by Kermuckes elder to the Judge-Advocat, efter his imprisonement at Alexander his instance, he hes cited Kermuckes befor Your Honouris, for his domage and expenssis, and for his liberatione.

Becaus by the insolent behaviour and many cruell and inhumane expressiones of Jonet Forbes, the wyfe of Kermuckes elder, both before and efter that bloodie act, it appeires that shoe hes bein ane author or great instigatour of hir husband and sone, thair was thairfor ane dittay given in againes hir at Aberdein, the consideratione and tryell whairoff was referred to this tyme and place.

It is, thairfor, humblie to be desyred that Your Honouris may examine that particular againes hir, not in the way of ane assyse, bot by your awine determinatione and judgement upoun lawfull probatione, seeing the compleineris doe not intend againes her any capitall punishment, bot such a censure as Your Honors shall think fitting for her injurious and insolent behaviour, which sould not pass uncensured.

Signatour of Escheat in fawouris off Alexander Fraser of Phillorth [1652.]

The Keiperis of the Libertie of England by authoritie of Parliament ordaines ane lettre to be maid under the Priwie Seall in dew forme to Alexander Fraser, elder of Filorth, his aires or assignayes ane or mae, off the escheat of all guidis, gear, moveable, and unmoveable . . . quhilkis pertenit of before to Johne Kennedy elder of Carmuckes, Johne Kennedy younger thereof his sonne, James Bruice in Allin, and George Peirrie, trouper, or to any of them, the tyme of thair denunciatoune to the horne . . . or quhilkis pertenit to them or any of them sen syne, and since the comitting of the crymes for the quhilk they ar denuncit rebellis . . . for not fynding cautioune to the Clerk of Justiciarie . . . for thair personall compeirance beffor the Commissioneris for Administratioune of Justice in causses criminall to the people in Scotland, within the brugh of Edinburgh, the fyfteine day of October . . . to underly the lawe, at the instance of Jeane Ramsay, relict of the deceist Thomas Forbes of Wattertoune, Johne, James, Jennet, Jeane, Elizabeth, Girssell, Margaret, Issabell, and Anna Forbesses, thair childrin, Sir Johne Gilmour, advocat, Robert Spence, and Agnes Bennerman, father and mother to the deceist George Spence, William Cheyne, servant to the said umquhil Thomas Forbes, Alexander Bruice, shirreff-clerk of Bamff, and at the instance of Henrie Whallie, advocat-general for the comonewealth, for the slaughter of the said deceist Thomas Forbes of Wattertoune, and George Spence, his servant, mutilatione of the said Alexander Bruice, and for the uther crymes contenit in the criminall lettres raisit thairanent of the dait the fourt day of August, M VI^{c} and fyftie-tuo yearis, and throwe the saidis persounes thair being declarit . . . outlawes in ane Court of Justiciarie, halden within the Newe Sessioune Hous of Edinburgh, upon the said fyfteine day of October . . . and sicklyk of the gift of the said Johne Kennedy elder of Carmuckes, his lyfrent escheat of all landis, heritages . . . and utheris pertening to him, and of the mailles . . . of the samyne. . . Given at Edinburgh, the day of 1652.

Warrant of Apprehension [1655].

By the Commissioners for Administratione of Justice to the people off Scotland in causses criminall.

Forasmuch as it is weill knowen to us, that Johne Kennedy elder of Carmuckis, and Johne Kennedy younger, his sone, have been long, and yet are, rebelles, outlawes, and fugitives, for the slaughter of the deceast Thomas Forbes of Wattertoune, and other hynous crymes, and nevertheless does haunt and frequent seuerall pairts within the country publictlie and awowedlie, in proud and manifest contempt of our authority and lawes, and encouragement of others to doe the lyk: Wherfor wee heerby give full power, authority, and commission to you,
conjunctlie and seuerallie, to search, apprehend, and exhibit to our justice, the saids rebelles, that they may underly the law for the forsaides crymes. . . . Given under our hands the day of M VI ^{c} fifty and fyue yeares.

Will. Laurence. E. Mosley.

Note.—The preceding papers, beginning with the "Licence to eat flesh, [1635]," have been taken from the Originals among the Waterton Family Papers.—